

CASES 109-AM-23, 110-S-23, 111-S-23 & 112-V-23

PRELIMINARY MEMORANDUM

SEPTEMBER 6, 2023

Petitioner: Anthony Donato, d.b.a. Donato Solar – Bondville LLC

Request:

CASE 109-AM-23

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar array as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23.

CASE 110-S-23

Authorize a data center as a Special Use Permit, subject to the proposed rezoning to AG-2 Agriculture in Case 109-AM-23, and subject to the following waiver:

Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires a noise analysis to be performed for a Data Center.

CASE 111-S-23

Authorize a photovoltaic solar array with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):

Part A: A waiver for locating the PV Solar Array less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality per Section 6.1.5 B.(2)a.

Part B: A waiver for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 F.(9)a.(b).iv.

Part C: A waiver for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 I.(3).

Case 112-V-23

Authorize the following variance for the data center proposed as a Special Use Permit in related case 110-S-23:

Part A: Authorize a variance for 2 parking spaces in lieu of the minimum required 7 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

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

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

Location: A 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.

Site Area: approximately 17 acres of a 77.5-acre tract

Time Schedule for Development: As soon as possible

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

BACKGROUND

The petitioner would like to construct two principal uses on the 77.5-acre subject property: a 1,344 square foot Data Center and a 6-megawatt (MW) PV Solar Array. Neither of these uses can be built in the AG-1 Agriculture Zoning District, so a Map Amendment is needed to rezone the subject property to AG-2 Agriculture (Case 109-AM-23). Contingent upon the rezoning, the Data Center will require a Special Use Permit with one waiver (Case 110-S-23). A variance for the Data Center is being requested for parking and loading berths (Case 112-V-23). The PV Solar Array will require a County Board Special Use Permit with waivers (Case 111-S-23).

The proposed Data Center requires large amounts of energy. A PV Solar Array is a use commonly associated with Data Centers because they can provide lower cost energy. Unlike utility-scale solar farms that sell all their energy directly to the area electrical grid, the Data Center will be the primary consumer of the energy created by the PV Solar Array and any excess energy will be sold to the Ameren electrical grid. Due to the size of the proposed PV Solar Array, the project is required to comply with Sections 6.1.1 and 6.1.5 of the Zoning Ordinance related to PV Solar Farms.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture	CR Conservation Recreation (Proposed rezoning to AG-2)
North	Vacant/Residential	CR Conservation Recreation
West	Vacant	CR Conservation Recreation I-1 Light Industry
East	Agriculture	CR Conservation Recreation I-1 Light Industry
South	Industrial	City of Urbana zoning

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases, but not in Special Use Permit or Variance cases. Notice of the public hearing was sent to the village.

The subject property is located within Scott Township, which does not have a Plan Commission.

SOLAR ARRAY RACKING SYSTEM CONCERNS

The type of racking for the solar modules is designed to be approximately 18 inches above grade at the low end of the solar array module. Attachment M provides specification sheets for the racking system.

P&Z Staff have concerns about whether ground cover can be established and whether appropriate weed control can occur under such a low design.

DECISION POINTS FOR CASE 109-AM-23

Staff analysis indicates that the proposed Zoning Map amendment and potential use appear to be generally compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010.

Staff has recommended affirmative findings for all decision points for the LRMP Goals, Objectives, and Policies, LaSalle and Sinclair Factors, and Purpose of the Zoning Ordinance. The Board can revise any of these recommended findings.

PROPOSED SPECIAL CONDITIONS

The following special conditions are proposed for Map Amendment Case 109-AM-23:

- A. **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.

- B. **The Map Amendment is contingent upon approval of Cases 110-S-23 and 111-S-23.**

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

That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.

The following special conditions are proposed for Special Use Permit Case 110-S-23:

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed special use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.**

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

New commercial buildings shall be in conformance with Public Act 96-704.

The following special conditions are proposed for Special Use Permit Case 111-S-23:

- A. **The approved site plan consists of the following documents:**
- **Site Plan sheets received August 25, 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 Landscape Plan with Weed Control Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.5 M. and Section 6.1.5 P.(3) of the Zoning Ordinance.**

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. **Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:**

1. **The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.**
2. **The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.**
3. **Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.**

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

The Special Use Permit complies with Ordinance requirements regarding road use agreements.

- 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 "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**

6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan per the 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 ARRAY 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 ARRAY shall comply with the following specific requirements that apply even after the PV SOLAR ARRAY goes into commercial operation:**
1. **Maintain the pollinator plantings and required visual screening in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**

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

The 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 ARRAY.

- J. **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.

- K. **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.

There are no proposed special conditions for Variance Case 112-V-23.

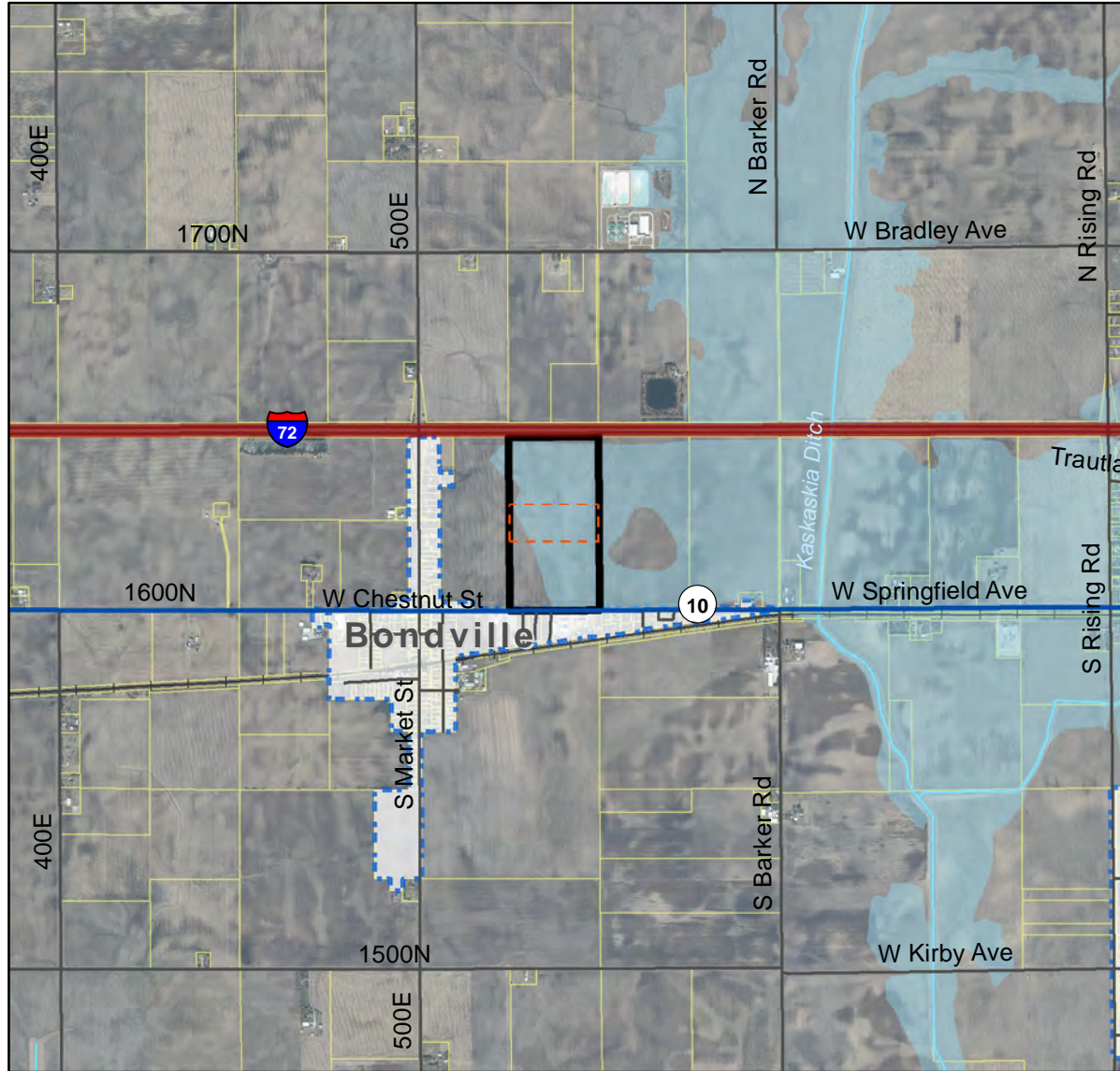
ATTACHMENTS




- A Case Maps (Location, Land Use, Zoning)
- B Site Plan with Erosion Control Plan received August 30, 2023 (2 sheets)
- C 2020 aerial with floodplain and 1-foot contours prepared by P&Z Staff on August 24, 2023
- D Letter from landowner Andrew Hatch received August 18, 2023
- E Project Narrative received August 22, 2023
- F EcoCAT results from IDNR received August 22, 2023
- G IDNR Historic Preservation Office letter received August 22, 2023
- H Decommissioning and Site Reclamation Plan received August 25, 2023
- I Security Plan received August 25, 2023
- J Erosion Control Plan text received August 29, 2023
- K Haul Route received August 30, 2023
- L Inverter specification sheets received August 22, 2023
- M Solar module specification sheets received August 22, 2023
- N Terrasmart solar module racking specification sheets received August 22, 2023
- O LRMP Land Use Goals, Objectives, and Policies (available on ZBA meetings website)
- P LRMP Appendix of Defined Terms (available on ZBA meetings website)
- Q Right to Farm Resolution 3425
- R Site Visit Photos taken July 31, 2023
- S Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated September 14, 2023
- T Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated September 14, 2023
- U Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated September 14, 2023

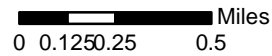
Location Map

Cases 109-AM-23, 110-S-23, 111-S-23 & 112-V-23
September 14, 2023

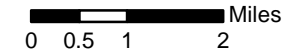
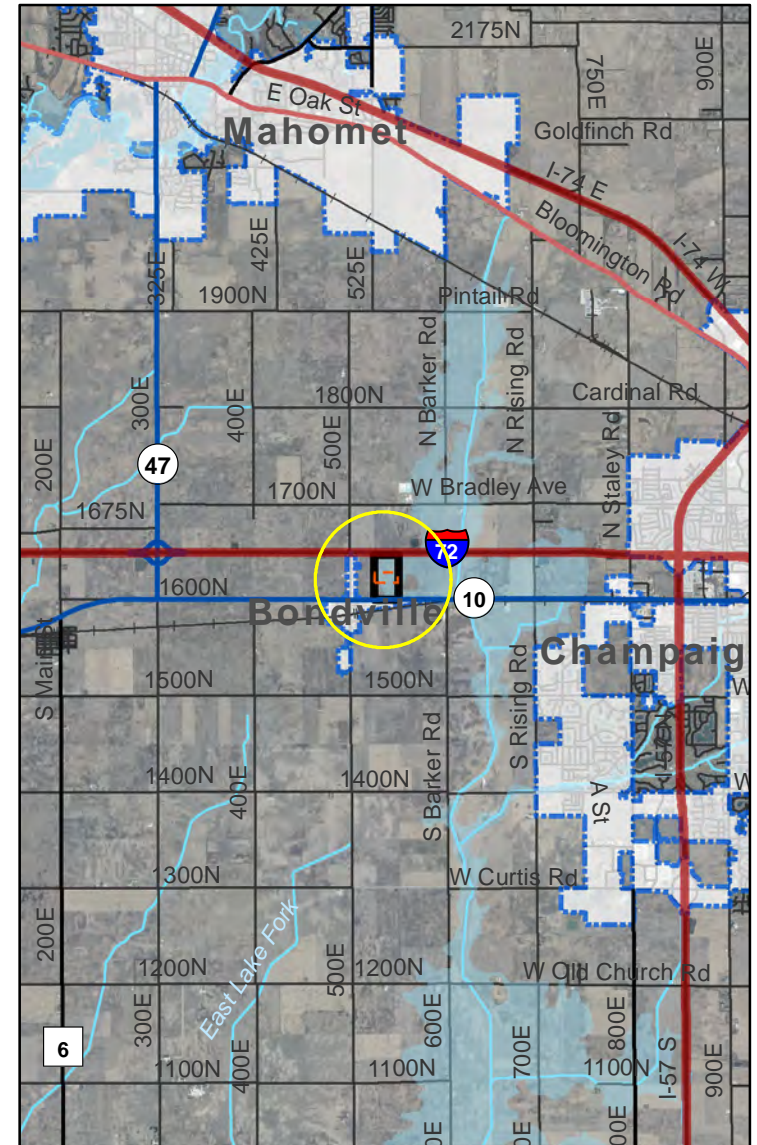
Subject Property



-  Subject Property
-  Solar farm fenced area
-  Municipal Boundary
-  Parcels
-  Flood Hazard Area
-  Streams

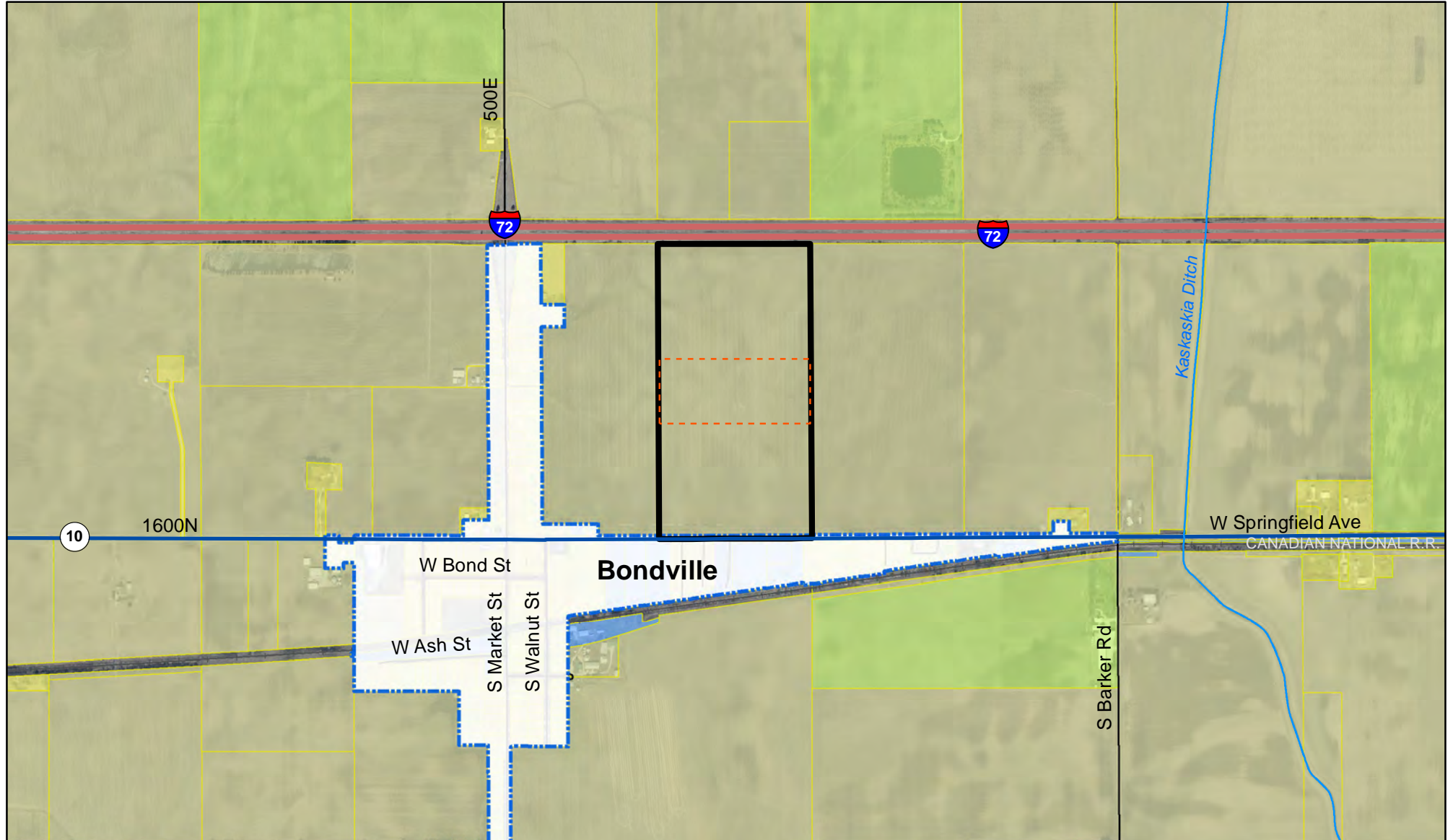


Property location in Champaign County



Land Use Map

Cases 109-AM-23, 110-S-23, 111-S-23 & 112-V-23
September 14, 2023



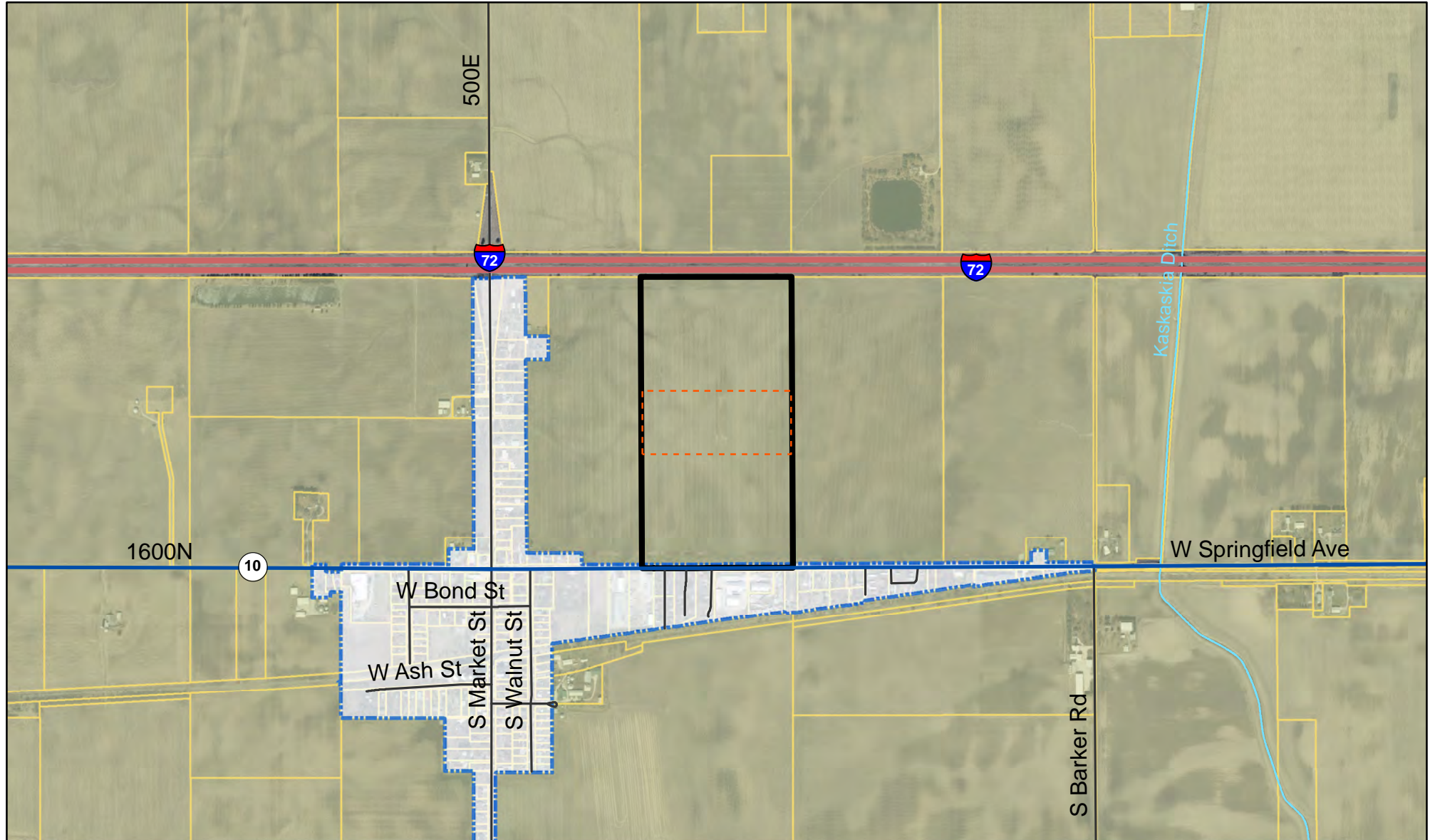
- Subject Property
- Solar farm fenced area
- Parcels
- Agriculture
- Ag/Residential
- Commercial
- Residential





0 300 600 1,200 Feet

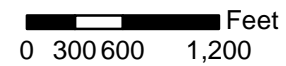
Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Cases 109-AM-23, 110-S-23, 111-S-23 & 112-V-23
September 14, 2023



-  Subject Property
-  Solar farm fenced area
-  Parcels
-  AG-1 Agriculture



BTB ENERGY
INFO@BTBCONTRACTING.COM
(224) 757-5784

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- SYMBOLS LEGEND:**
- EX. EXISTING
 - PR. PROPOSED
 - EX. PROPERTY LINE
 - PROPOSED SOLAR PANEL ARRAY
 - PROPOSED SHRUBS
 - PROPOSED TREES
 - PROPOSED FENCE

GENERAL NOTES:

- (A) PR. SWITCH GEAR
- (B) PR. INVERTERS
- (C) PR. AMEREN TRANSFORMER
- (D) PR. DATA CENTER (80' x 40')
- (E) PR. GRAVEL DRIVE (MAINTAIN EXISTING DRAINAGE PATTERS EXCEPT WHERE NOTED)
- (F) PR. ADA (VAN) PARKING SPACE, RAMP, SURFACING TO DOORWAY, PARKING BLOCK, AND SIGN
- (G) PR. STANDARD PARKING SPACE AND BLOCK
- PERMANENT SEEDING
OUTSIDE OF FENCE, DISTURBED AREAS WITH HIGH TRAFFIC USE MANICURED TURF GRASS IN ACCORDANCE WITH AND OTHER LOW TRAFFIC AREAS USE NATURAL RESOURCES CONSERVATION SERVICE ILLINOIS URBAN MANUAL PRACTICE STANDARD #925 SODDING WITHIN FENCE AND OTHER LOW TRAFFIC AREAS USE:
- (H) SOLAR POLLINATOR 3' MIX - ERNMX-622:
91.00% BOUTELOUA GRACILIS, BAD RIVER (BLUE GRAMA, BAD RIVER)
4.00% ASCLEPIAS TUBEROSA (BUTTERFLY MILKWEEED)
2.00% CHAMAECRISTA FASCICULATA, PA ECOTYPE (PARTRIDGE PEA, PA ECOTYPE)
2.00% CHAMAECRISTA NICTITANS, NC ECOTYPE (SENSITIVE PEA, NC ECOTYPE)
0.50% OENOTHERA FRUTICOSA VAR. (FRUITICOSA SUNDROPS)
0.50% PENSTEMON HIRSUTUS (HAIRY BEARDTONGUE)
SEEDING RATE: SEED AT 8 LBS/ACRE WITH 30 LBS/ACRE OF A COVER CROP. FOR A COVER CROP USE EITHER GRAIN OATS (1 JAN TO 31 JUL), BROWN TOP MILLET (10 LBS/ACRE; 1 MAY TO 31 AUG) OR GRAIN RYE (1 AUG TO 31 DEC).
- (I) JUNIPERUS VIRGINIANA / EASTERN REDCEDAR
5 GAL. POT ON 9' CENTERS, 11' FROM PL
- (J) SHRUB PLANTINGS ALTERNATE GROUPS BETWEEN SWITCH GRASS AND LITTLE BLUE STEM, 3' FROM PL
PANICUM VIRGATUM / SWITCH GRASS
2 GAL. POT 3 PER GROUP
SCHIZACHYRIUM SCOPARIUM / LITTLE BLUESTEM
2 GAL. POT 3 PER GROUP

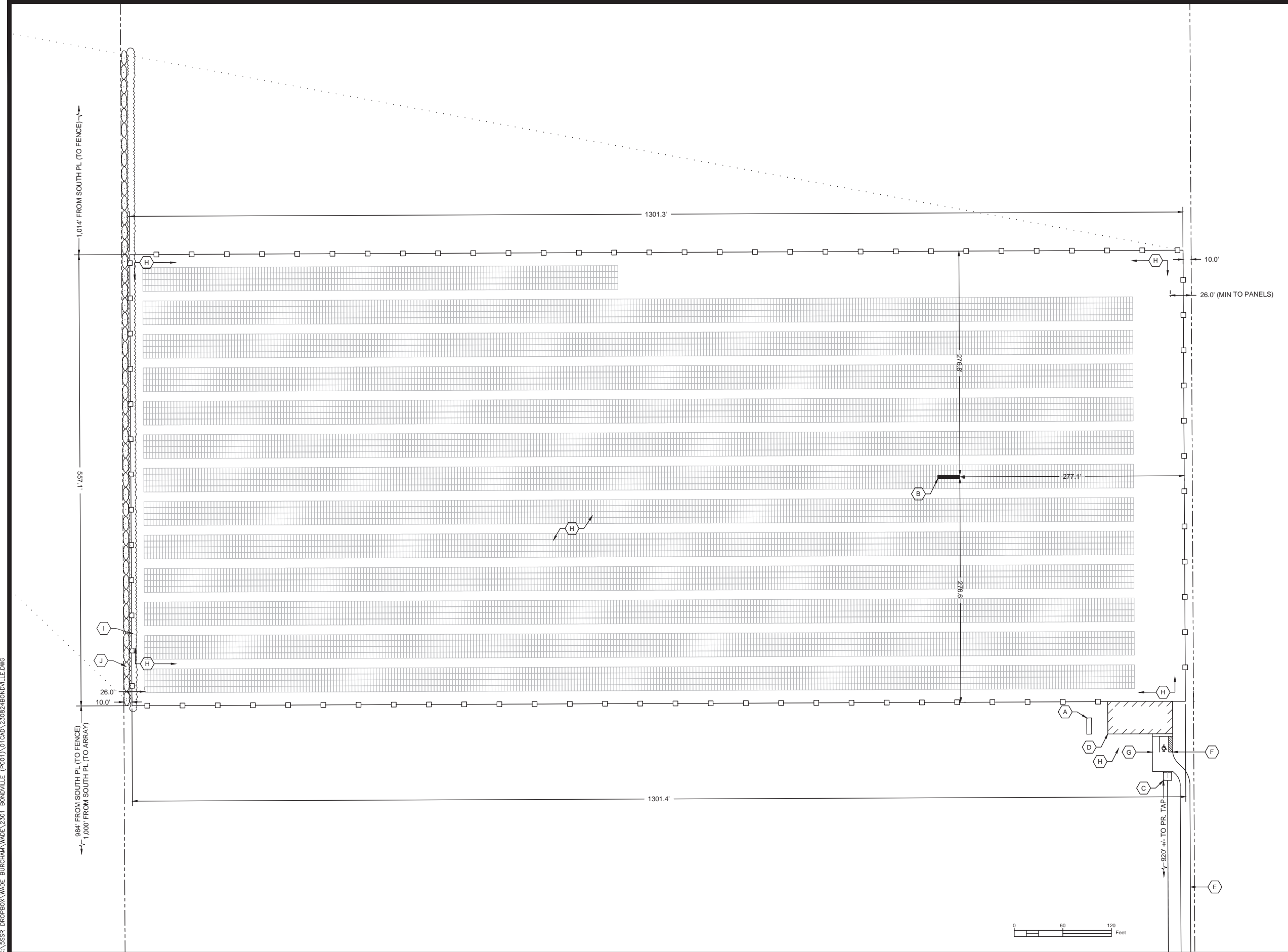
SHEET NOTES:

Rev.	Description	Date	Appr.
D	ADDED LANDSCAPE BUFFER	8/24/23	WB
C	ADDED SEEDING	8/22/23	WB
B	ADDED DIMENSIONS	8/17/23	WB
A	ISSUED FOR COMMENT	8/15/23	WB

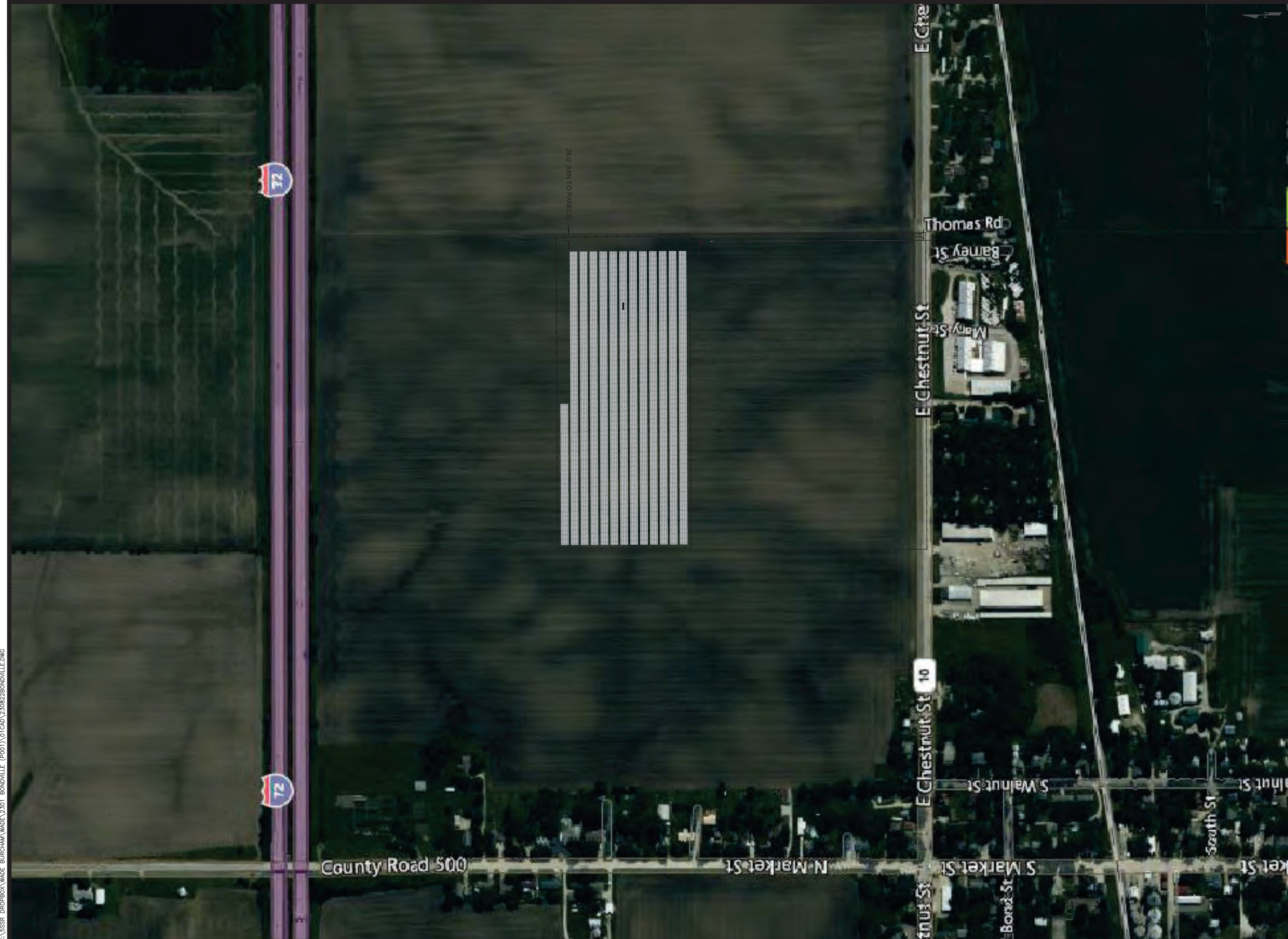
BONDVILLE SOLAR FARM
BONDVILLE, IL

SITE PLAN

DRAWING NO.
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C:\SSR DROPBOX\WADE BURCHAM\WADE\2301 BONDVILLE (8001)\01 CAD\230828BONDVILLE.DWG
GEN 50:20



SYMBOLS - LEGEND:

- EX. EXISTING
- PR. PROPOSED
- EX. PROPERTY LINE
- ▨ PROPOSED SOLAR PANEL ARRAY
- PROPOSED FENCE

GENERAL NOTES:

Rev.	Description	Date	App.
C	ADDED SEEDING	8/22/23	WB
B	ADDED DIMENSIONS	8/15/23	WB
A	ISSUED FOR COMMENT	8/15/23	WB

Drawn by: WADE
 Design by: TG
 Check by: TG
 Review by:

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 AUG 22, 2023
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SHEET NOTES:



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 INFO@BTBCONTRACTING.COM
 (224) 757-5784

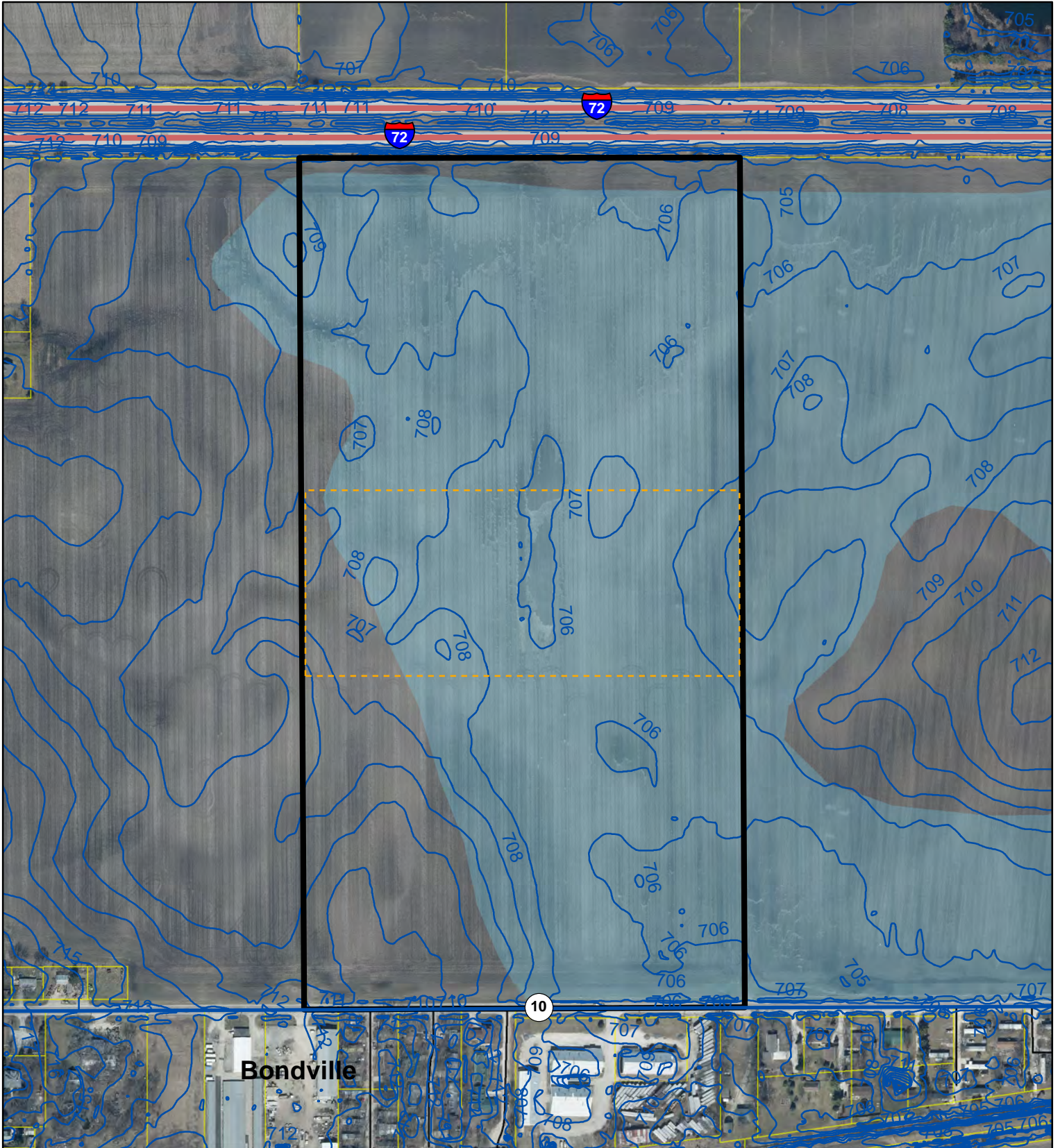
BONDVILLE SOLAR FARM
 BONDVILLE, IL

OVERALL
 SITE PLAN

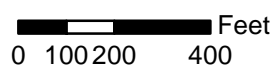
DRAWING NO.
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2020 aerial with floodplain and contours

Cases 109-AM-23, 110-S-23, 111-S-23 & 112-V-23
September 14, 2023



- Subject Property
- Solar farm fenced area
- FEMA Flood Hazard Area
- 2020 1-foot contours



Champaign County
Department of
**PLANNING &
ZONING**

WILLIAM L. HATCH
ANDREW J. HATCH

HATCH LAW FIRM

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WWW.HATCHLAWFIRM.COM

JAMES H. WHEAT
(DECEASED 1967)
JOSEPH W. CORAZZA
(DECEASED 1974)
LAWRENCE R. HATCH
(DECEASED 2011)
HAROLD L. JENSEN
(DECEASED 2019)

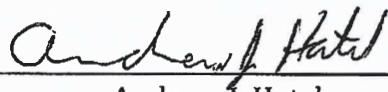
August 15, 2023

I, Andrew Hatch, approve Anthony Donato, d.b.a. Donato Solar - Bondville LLC with applying for rezoning in Case 109-AM-23, two Special Use Permit in Cases 110-S-23 and 111-S-23 and a Variance in Case 112-V-23 for parcel 23-19-12-326-004 as he is under contract to purchase the parcel from me if the permits are approved.

I understand that Case 109-AM-23 is to request a rezoning from AG-1 Agriculture to AG-2 Agriculture in order to allow the proposed development of a data center in Case 110-S-23 and a PV Solar Array in Case 111-S-23, and that Case 112-V-23 is for a variance for not having a loading berth and for providing fewer parking spaces for the data center than the Zoning Ordinance requires.

Very respectfully,

HATCH LAW FIRM, P.C.

By 
Andrew J. Hatch

AJH/je

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AUG 18 2023

CHAMPAIGN CO. P & Z DEPARTMENT

Special Use Supplemental Application Information

RECEIVED
AUG 22, 2023
CHAMPAIGN COUNTY
PLANNING & ZONING

1. Project Narrative

Donato Solar –Bondville LLC proposes to develop a 6.0 megawatt (MW) solar facility on 15-acre tract of land (“**Project Area**”) located at 410 E. Chestnut St., Bondville, IL 61815. Additionally, the project will include a small 1500 sq. ft. data center located near the center of the property. The project area is located within a 77.50-acre parcel of land identified by the Champaign County Assessor’s Office as Parcel ID: 23-19-12-326-004 which will be purchased by IAG Investments LLC, the landowner. Please see attached for a site map that details the development.

Donato Solar –Bondville LLC has entered a 7-year contract, with option for renew, with IAG Investments LLC, to lease the land and develop a solar (see appendix for letter of agreement). We have contracted with BTB Energy Solutions Inc., a solar farm developer, and Current Solutions, a local union electrical contractor, to complete the construction of the solar farm and data center. BTB Energy Solutions CO. is tentatively scheduled to commence construction in Winter of 2023.

The Bondville solar project (“**Project**”) will be comprised of rows of photovoltaic(PV) cell panels mounted on posts set into the ground (solar arrays). The height of the solar array will not exceed 6” 11’ 9/16’ above ground surface and Donato Solar – Bondville LLC intends to utilize VSUN 550-144BMH-DG Bifacial panels and Terrasmart Inc. Rack Model: RBI Glide Fuse fixed (12.5-degree angle) rack; however, the specific solar array configuration for this Project will be decided once additional site-specific information and design components are determined. According to the Solar Energy Industries Association, the proposed 6 MW solar project is capable of powering approximately 800-homes in Illinois with clean, renewable energy. Attached is the executed interconnection agreement between Ameren Net Metering Coordinator and Donato Solar – Bondville LLC.

The Project is situated near the Bondville city limits in a mostly agricultural area. The project is setback 1000’ off the of the RT10 frontage area to allow for future commercial development if desired. The remaining 60ac of farmland will continue to be farmed. The project is estimated to have 20000 hours of construction time, bringing in approximately \$1.3 million in wages for local jobs. Additionally the use of local contracted labor for concrete and site work, trucking for materials, and landscaping allows for over \$100,000 in local contracted labor. The site will employ 15-25 full time employees for 8-12mo during construction and add an additional 2-3 full time employees permanently. Allowing this property to be developed into a solar facility will provide approximately. 6.0 MWs of clean, renewable energy to the local electrical grid. In addition, this project will help generate additional income for the landowner, contribute to job creation stimulation through new investments in energy efficiency, renewables, and innovation, and help preserve the State of Illinois’ low energy rates for residents and businesses within the County.



Applicant: Donato Solar Bondville
Contact: Brad Oeltjenbruns
Address: 2516 380TH STREET
Dayton, IA 50530

IDNR Project Number: 2304814
Date: 09/26/2022

Project: Donato Solar Bondville
Address: County rd 1600 N, Bondville

Description: up to three 2 MW solar arrays

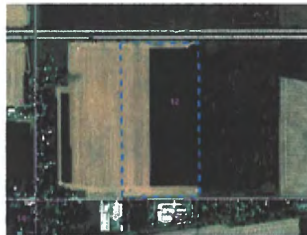
Natural Resource Review Results

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

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Location

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



County: Champaign

Township, Range, Section:
19N, 7E, 12

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

Government Jurisdiction
U.S. Department of Agriculture

Disclaimer

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

Terms of Use

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

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AUG 22 2023

CHAMPAIGN CO. P & Z DEPARTMENT

IDNR Project Number: 2304814

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

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

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Illinois Department of Natural Resources

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

Cases 109-AM-23/110-S-23/111-S-23/112-V-23
ZBA 09/14/23, Attachment G Page 1 of 1

JB Pritzker, Governor
Colleen Callahan, Director

Champaign County
Bondville
State Route 10
Section:12-Township:19N-Range:7E
IEPA, USDA - RD
New construction, solar development

PLEASE REFER TO: SHPO LOG #009051322

August 3, 2022

Joseph P. Craig
Prairie Archaeology and Research
P. O. Box 5603
Springfield, IL 62705

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AUG 22 2023

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Mr. Craig:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance. If further assistance is needed contact Jeff Kruchten, Chief Archaeologist at 217/785-1279 or Jeffery.kruchten@illinois.gov.

Sincerely,

Carey L. Mayer, AIA
Deputy State Historic
Preservation Officer

Decommissioning & Site Reclamation Plan

410 E. Chestnut St., Bondville, IL 61815

6mw Ground Mounted Solar Project



Date Signed 08.22.2023
Exp 11.30.2023



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AUG 25, 2023

CHAMPAIGN COUNTY
PLANNING & ZONING

Introduction

Donato Solar – Bondville, LLC (“Owner”) proposes to develop a solar photovoltaic (PV) facility (the Project”) with a maximum nameplate capacity of six megawatts alternating current (6 MWac). The Project will be developed on private property located along the north side on E Chestnut St., at approximately 410 E. Chestnut St., Bondville, IL 61815, (the “Property”), as shown in Figure 1.

The Project consists of approximately 15 acres within a 77.5-acre parent parcel of private land located in the Village of Bondville, Champaign County, Illinois. The Project will produce electricity to be used onsite and connected to the local distribution grid utilizing existing overhead lines along E Chestnut Rd. Interconnection to the grid will include both underground and overhead wires along with new utility poles located on the Property.

Approval Process

As a condition to Champaign County (“County”) providing Zoning Use Permit Approval (“Approval”) of the Project on the Property, Owner shall submit a decommissioning and site reclamation plan to the County for the subject site. This Decommissioning and Site Reclamation Plan (the “DSRP”) describes the anticipated activities and process for decommissioning of the proposed facility following its useful life. The purpose of decommissioning is to restore the Property to a clean, safe and usable condition for continued use by the landowner.

The DSRP shall be binding upon all successors of title, lessees, any operator and/or owner of the Project, and all parties to the decommissioning and site reclamation plan. Prior to Approval, the landowner or Owner 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 (the “Security”).

The Owner agrees that the sale, assignment in fact or law, or such other transfer of owner’s financial interest in the PV SOLAR FARM shall in no way affect or change owner’s obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the PV SOLAR FARM.

The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the PV SOLAR FARM or prior to ceasing production of electricity from the PV SOLAR FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance, and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.

Decommissioning consists of the removal of above-ground and below-ground facility components,

management of excess materials and waste as well as the restoration of the Property, as applicable. Activities are expected to take between 8-10 weeks but no longer than four-months. The Owner agrees to remove any part of the Project and all associated equipment and structures if the Project part ceases to function for six (6) consecutive months, unless the Owner is diligently working to repair that part.

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

Upon removal and decommissioning of the Project, the Owner shall inform the County accordingly, in writing. Upon the County's determination that the Owner has decommissioned and removed the Solar Energy Project and restored the Property as required under the Site Plan Approval, the County shall: (i) release the Owner from this Plan; (ii) issue a certificate of completion and release and (iii) return or release any unused portion of the Security to the Owner. A determination that the removal and restoration has been satisfactorily completed shall be in the reasonable discretion of the County. The Owner and its agents and consultants shall fully comply with all reasonable requests for inspections and information by the County and its agents.

If the Owner fails to complete the required removal of the Project and restoration of the Property as set forth herein, the County shall be entitled to utilize the Security provided hereunder to the extent necessary, in the County's reasonable discretion, to complete the removal and restoration process. Any portion of the Security that is not utilized as set forth herein shall be returned to the Owner, less reasonable administrative costs. In the event that the County elects to obtain the Security, in whole or in part, as described in this paragraph, it shall notify the Owner accordingly, in writing and, within fourteen (14) days of such writing, the Security shall be paid to the County.

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

Financial Assurance

To fulfill its obligations to provide the Security, the Owner shall be required to execute and file with the County a Letter of Credit ("LOC"), in an amount sufficient for the faithful performance of the terms and conditions of the Approval issued hereunder, and to provide for the aforesaid removal and restoration of the Property subsequent to removal of the Project. The Owner shall deliver, to the County, suitable evidence of the establishment of the LOC prior to the Approval of the Project.

Section 6.1.5Q.(4)a. of the Zoning Ordinance requires the amount of the LOC to be 12.5% of the decommissioning cost (including allowable salvage) at the time of Zoning Use Permit Approval, and 62.5% of the decommissioning cost (including allowable salvage) at the sixth anniversary of operation, and 125% of the decommissioning cost (including allowable salvage) at the eleventh anniversary of operation. Section 6.1.5Q.(4)d. of the Zoning Ordinance requires the amount of the financial assurance to be updated every five years for the first 25 years and every two years thereafter. Additionally, Section 6.1.5Q.(4)f. of the Zoning Ordinance requires the amount of the LOC to equal or exceed 125% of the decommissioning cost estimate at all times.

Upon County's request, per Section 6.1.5Q.(4)d. of the Zoning Ordinance, the Owner shall update the amount of the LOC every five years for the first 25 years and every two years thereafter. The Owner shall deliver to the County evidence of the new balance of the Security, as aforesaid.

The Owner shall at all times provide the County with the name of the current Owner or Owners of the Project, updated no more than forty five (45) days after transfer of title.

The Engineer's Cost Estimate for the DSRP is included in Exhibit 1.

Further Stipulations

The Owner confirms the review of the relevant County Zoning Ordinance sections, including Sections 6.1.1.A and 6.1.5.Q, and confirms the additional stipulations and requirements contained therein:

- 1) Owner or successor shall notify the County by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding within 10 days if commencement of the proceeding.
- 2) The County and its authorized representatives are authorized by the Owner for right of entry onto the Project premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
- 3) At such time as decommissioning takes place the Owner, its successors in interest, and all parties to the DSRP are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.
- 4) The Owner, its successors in interest, and all parties to the DSRP shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.
- 5) Should the DSRP be deemed invalid by a court of competent jurisdiction the Project SPECIAL USE permit shall be deemed void.
- 6) The Owner's obligation to complete the DSRP and to pay all associated costs shall be independent of the Owner's obligation to provide the Security.
- 7) The liability of the Owner's failure to complete the DSRP or any breach of the DSRP requirement shall not be capped by the amount of the Security, and the Owner will provide for payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required to be carried out by Champaign County.

- 8) If the Owner desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Owner installs equipment or property increasing the cost of decommissioning after the Project begins to produce electricity, at any point, the Owner shall first obtain the consent of the Zoning Administrator. If the Owner's lien holders remove equipment or property credited to the salvage value, the Owner shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.
- 9) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide proof of compliance with paragraph 6.1.5. Q.(4)b.(a) prior to issuance of any Zoning Use Permit and upon every renewal of the Security and at any other time upon the request of the Zoning Administrator.
- 10) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide in the decommissioning and site reclamation plan for legal transfer of the Project to the demolisher to pay the costs of reclamation work, should the reclamation work be performed by Champaign County.
- 11) The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the Project, equipment, and access roads.
- 12) Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound engineering judgment as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.
- 13) The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total actual salvage value shall be available in the event that decommissioning is actually required.
- 14) The total amount of the Security after deduction of the net estimated salvage value shall not be less than \$1,000 per acre.
- 15) The credit for net estimated salvage value attributable to the Project may not exceed the estimated cost of removal of the above-ground portion of the Project on the subject site.
- 16) Net salvage value may be deducted from decommissioning costs as follows:
 - (a) One of the following standards shall be met:
 - i) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall maintain the Project free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or
 - ii) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall deduct from the salvage value credit the amount of any lien or encumbrance on the Project; or
 - iii) Any and all financing and/or financial security agreements entered into by the Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1 A.2 that the reclamation work be done.
- 17) The County has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.

- 18) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:
 - a) At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less not than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Use Permit approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.
 - b) At all times, the value of the irrevocable letter of credit shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the Project was approved.
- 19) The long term corporate debt (credit) rating of the letter of credit issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:
 - a) The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).
 - b) The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.
 - c) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the letter of credit shall be replaced with a new irrevocable letter of credit from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating.
- 20) At all times the value of the irrevocable letter of credit shall be increased annually as necessary to reflect actual rates of inflation over the life span of the Project and the amount shall be equal to or exceed 125% of the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the Project was approved.
- 21) Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.5 Q.(4)d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.5 Q.(4) shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
- 22) Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1 A.5.
- 23) Unless the Governing Body approves otherwise, the Champaign County State's Attorney's Office shall review and approve every Letter of Credit prior to acceptance by the Zoning Administrator.
- 24) In addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for the following reasons:

- a) In the event that any Project or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such Project or component.
 - b) In the event that the Owner declares the Project or any Project component to be functionally obsolete for tax purposes.
 - c) There is a delay in the construction of any Project of more than 6 months after construction on that Project begins.
 - d) Any Project or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
 - e) Any Project or component thereof that is otherwise derelict for a period of 6 months.
 - f) The Project is in violation of the terms of the Project SPECIAL USE permit for a period exceeding ninety (90) days.
 - g) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the County's interest in the decommissioning and site reclamation plan.
 - h) The County discovers any material misstatement of fact or misleading omission of fact made by the Owner in the course of the special use permit zoning case.
- 25) The Zoning Administrator may, but is not required to, deem the Project abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the Project, to the extent that such portion of the Project otherwise meets the standards of abandonment or the standards set forth in Section 6.1.5 Q.(5). In that event, the Zoning Administrator may draw upon the Security to perform the reclamation work as to that portion of the Project only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining Project.

Permitting & Approvals

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

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

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

Facility Description

The solar PV modules will be installed on metal racking structures with a fixed tilt and secured to the ground utilizing direct push or technology. Direct Current (DC) wiring with the Project will be secured behind the modules, collected at a common point and transition underground to the inverters. From the inverter/transformer pad, AC wiring will run underground until a point before E Windsor Rd where it will surface and connect to a series of utility poles on the Property before connecting to National Grid's Project.

Access to the Project will be from E Chestnut Rd. utilizing a 20' wide crushed stone road constructed for access to the facility. The access road would be up to approximately 600-feet in length.

The transformer skid will be mounted on a concrete pad located within the array. The pad used for the skid will be approximately 15' x 6'.

The site will be secured with a seven-foot perimeter fence.

Figure 1: Project Location



Decommissioning

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

Following coordination with the local utility company regarding timing and required procedures for disconnecting the Facility from the private utility, all electrical connections to the Project will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. All electrical connections to the panels will be cut at the panel and then removed from their framework by cutting or dismantling the connections to the supports. Inverters, transformers, and switchgear will be lifted, secured onto flat beds, and transported off-site for processing.

Modules will be detached from the racking system and stacked for removal. However, in the event of a total fracture, the broken module will be recycled at a PV recycling facility.

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

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

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

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

Site Restoration

Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment. The disturbed areas will then be seeded either by hand or via hydro seeding to reestablish vegetation compatible with the Property and region. It is

anticipated that a seed mix native to the area will be used by the decommissioning contractor, unless the landowner instructs that they will begin using the property for agricultural purposes and will reestablish the area with agricultural vegetation.

The DSRP and cost estimate includes provisions for the removal and restoration of the access driveways. The construction, operation, and decommissioning of the project will not require alterations to any public streets, therefore no repairs to public streets are anticipated.

Donato Solar - Bondville, LLC

Estimated Decommissioning Costs

Project Name: Donato Solar - Bondville
Date: 8/20/2023
By: AFG/LAG

Project Size	8.9 MW-DC	6 MW-AC		
	Quantity	Unit	Unit Cost	Total Cost
Mobilization/Demobilization	1		\$12,000	\$12,000

Permitting

State Permits	1		\$10,000	\$10,000
Subtotal				\$10,000

SWPPP and SPCC plan. Cost is an estimate based on current market rate.

Civil Infrastructure

Removal of Security Fence	3750 Feet		\$3.14	\$11,756
Subtotal				\$11,756

Structural Infrastructure

Removal of Racking	534 Hours		\$71.26	\$38,052
Removal of Steel Posts	1858 Posts		\$10.74	\$19,947
Haul Steel Racking and Posts.	352 Ton		\$16.00	\$5,632
Subtotal				\$63,631

Electrical Collection/Transmission System

Removal of PV Modules	16224 Units		\$8.53	\$138,310
Haul PV Modules	584.064 Ton		\$16.00	\$9,345
Removal of Combiner Boxes	48 Units		\$38.50	\$1,848
Removal of Inverters	48 Units		\$38.50	\$1,848
Removal of Panelboard and Transformers	1		\$2,750.00	\$2,750
Removal of DC wiring	560000 Feet		\$0.19	\$104,720
Removal of Underground of AC wiring	62000 Feet		\$2.55	\$158,224
Haul Wiring	23.927 Ton		\$16.00	\$383
Subtotal				\$417,427

Electrical removal costs were based on industry standard installation time for a 3 man crew. Pad mounted and underground wiring/equipment were based on 2 man crew with necessary equipment.

Site Restoration

Permanent Seeding on damaged area	20 Acres	\$250	\$5,000
Subtotal			\$5,000

Assumed pollinator habitat/native plant.

Subtotal of Construction Activities			\$519,815
County Administration Cost (2.5%)	0.025		\$12,995
Total Demolition Costs			\$532,810

Salvage

Fencing	7.875 Ton	\$115.00	\$906
Steel Posts and Racking	352 Ton	\$115.00	\$40,480
PV Modules	16224 Units	\$19.50	\$316,368
Inverters and Transformers	48 Units	\$500.00	\$24,000
Copper Wiring	31920 LBS	\$1.75	\$55,860
Aluminum Wiring	15934 LBS	\$0.30	\$4,780
Subtotal Net Salvage			\$442,394

70% of Salvage Value			\$309,675.68
Demolition Minus Salvage			\$223,134.66
5% Buffer			\$11,156.73
Total LOC Amount			\$234,291.40

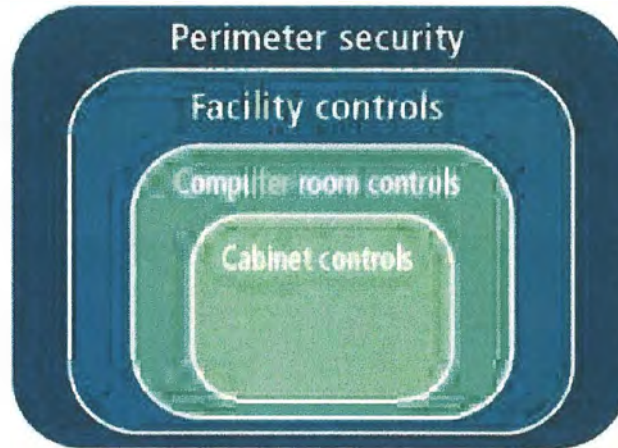
Scrap values are based on 5yr averages from Mack's Recycling. Data available upon request.

Bondville 6MW SOLAR FARM + DATA CENTER

DATA CENTER

SECURITY SYSTEM

The datacenter will come equipped with state-of-the-art security system, classified into 4-layers of security as show below, to protect the integrity of the equipment inside the building as well as the safety of the community.



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LAYERED SECURITY SYSTEM ENSURES ADEQUATE PROTECTION

First layer of protection: perimeter security. The first layer of data center security is to discourage, detect, and delay any unauthorized entry of personnel at the perimeter. This will be achieved through a high-resolution video surveillance system, chain-link fencing, and motion-activated security lighting.

Second layer of protection: facility controls. In case of any breach in the perimeter monitoring, the second layer of defense restricts access to the building itself which will have an access control system using card swipes or biometrics. High-resolution video surveillance will record and help identify persons entering/exiting the building.

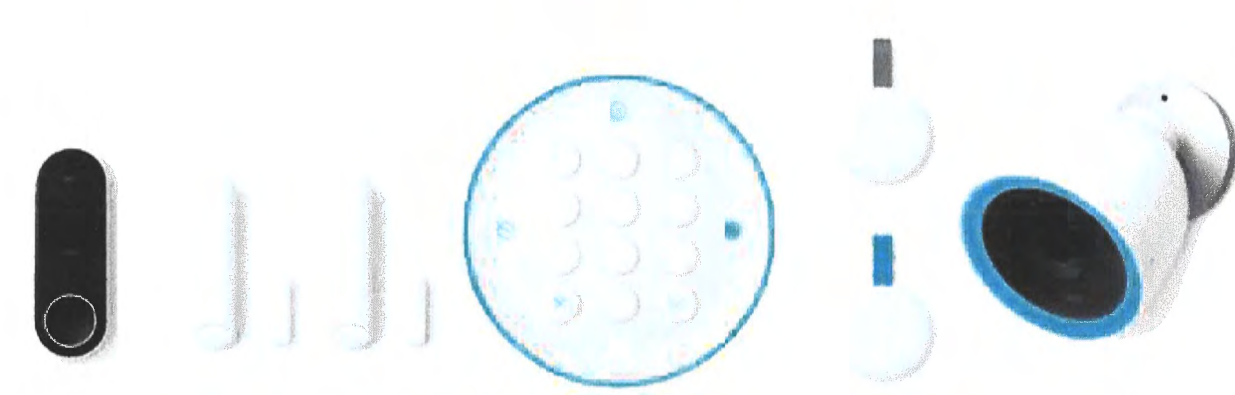
Third layer of protection: computer room controls. The third layer of physical security further restricts access to the computer room via a second layer of more robust verification/restriction methods including: remote monitoring of all restricted areas, entry restrictions via secondary secure door, and key-pad access control devices. Additionally, the computer room will be equipped with fire detection and prevention systems, temperature control, and humidity detection.

Fourth layer of protection: cabinet controls. The first three layers ensure entry of only authorized personnel. Further security to restrict access includes cabinet locking mechanisms. This layer is designed to addresses any “insider threats,” such as a malicious employee. Locking cabinets will house the racks inside the computer room and will have restricted access.

Key Components of Data Center Security System

- Closed-circuit television (CCTV) camera surveillance with video retention
- Vigilance by means of 24×7 remote security team and operations of the network system with a technical team
- Routine monitoring of access control rights
- Remote control of and monitoring capabilities of temperature and humidity through air conditioning and indirect cooling
- Fire alarm system and an aspirating smoke detection system (e.g., VESDA) in a data center. A VESDA, or aspiration, system detects and alerts personnel before a fire breaks out and should be considered for sensitive areas.
- Water leakage detector panel to monitor for any water leakage in the server room
- Rodent repellent system in the data center. It works as an electronic pest control to prevent rats from destroying servers and wires.
- To protect the data and information technology (IT) equipment, fire suppression shall be with a zoned dry-pipe sprinkler.

Figure 1: Google Nest Security System



Security system includes video camera, access key fobs, smart hinges, pin pad entry, and smart doorbell security systems.

Erosion Control Plan

Prepared by Donato Solar - Bondville LLC., Developer

6.0 MW AC Ground Mounted Solar Array Project

PROJECT NAME	Donato Solar – Bondville
SITE ADDRESS	410 E Chestnut St., Bondville, IL 61815 Land Owner: IAG Investments LLC
PIN	23-19-12-326-004
PROJECT AREA	15
SOLAR FARM DETAILS	6.0 MW <i>Construction Contractors: BTB Energy</i>

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AUG 29, 2023
CHAMPAIGN COUNTY
PLANNING & ZONING

Introduction

What follows is an example erosion and sedimentation control plan based on the standards set forth by the State of Illinois Department of Natural Resources. The plan was modified to detail best management practices which may be deployed to may be deployed to address project site conditions, such that soil compaction is minimized, and water discharges do not contain pollutants or characteristics which will cause receiving water bodies to fail to meet water quality standards. The following plan describes the most practical and effective practices to control erosion and prevent sediment from leaving the site. This plan should be organized and presented in a clear and concise manner. Because this site is in a relatively flat open field with a history of cultivation activity, the soil compaction should be minimized, which in turn should contribute to a very low level of run off volumes, pollutant concentration, and recovery of natural vegetation post construction.

Project Description

The proposed project will involve the construction and operation of a photovoltaic solar power generation facility that is expected to produce as much as 6.0 MW AC of renewable electric power. The Project will be interconnected with local electric provider's distribution system via connection to existing power lines located adjacent to the property. Approximately 15-acres will be disturbed during the construction period. The site is in Champaign County, approximately 4.5-miles west of Champaign, IL

Adjacent Property

The land use in the vicinity of the proposed site includes various agriculture, commercial, residential, and industrial including a trucking company, storage warehouses, as well as an excavating company. The site map overview shows the proximity to nearby parcels.

Planned Erosion and Sedimentation Control Practices

Sedimentation Basin

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

Construction Entrance

We will utilize a newly constructed entrance off of State RT10. Following completion of construction, we will re-grade so the runoff water will be directed to the applicable erosion control structures on the site.

Temporary Diversion

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

Sediment Fence

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

Land Grading

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

Dust Control

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

Construction Schedule *(subject to change)*

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

Maintenance Plan

All erosion and sedimentation control practices will be checked for stability and operation following every runoff-producing rainfall but in no case less than once every week. Any needed repairs will be made immediately to maintain all practices as designed and installed for all appropriate phases of construction.

Sediment will be removed from any sediment diversion structure when the level of sediment reached .5 ft below the top of the structure. Any gravel that needs to be installed per the environmental engineer will be cleaned and replaced when the gravel no longer serves its intended purpose.

Sediment will be removed from the sediment fence when it becomes .5 ft deep at the fence. The sediment fence will be repaired as necessary to maintain a barrier. All seeded areas will be fertilized, reseeded as necessary, and mulched according to specifications in the vegetative plan to maintain a vigorous, dense vegetative cover.



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AUG 30, 2023
CHAMPAIGN COUNTY
PLANNING & ZONING

DATE: 08/29/23

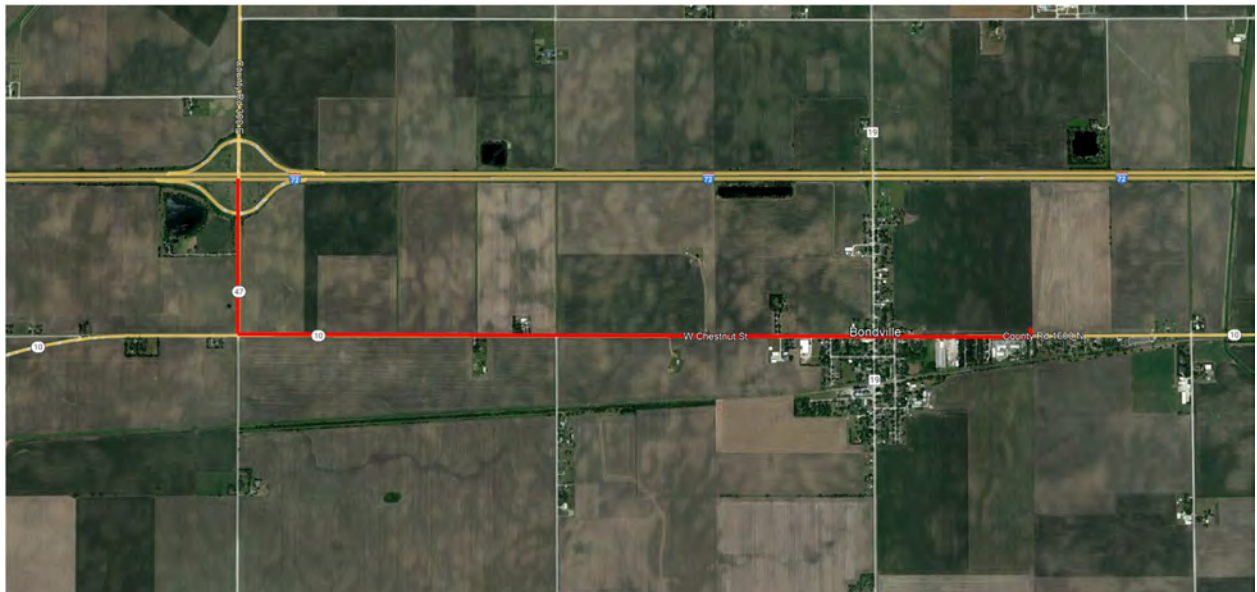
RE: HAUL ROUTE MAP

Dear Village of Bondville,

Donato Solar –Bondville LLC proposes to develop a 6.0 megawatt (MW) solar facility on 15-acre tract of land located at 410 E. Chestnut St., Bondville, IL 61815. Additionally, the project will include a small 24ft x 56ft data center located near the center of the property. The project area is located within a 77.50-acre parcel of land identified by the Champaign County Assessor’s Office as Parcel ID: 23-19-12-326-004 purchased by IAG Investments LLC, the landowner.

For the delivery of materials, supplies, and equipment we will utilize Illinois Route 10, Illinois Route 47, and Interstate 72 as the only path of travel. Trucks, trailers, and semis will travel on state and federal highways only.

Below is a map indicating haul route:





SUNNY HIGHPOWER PEAK3 125-US / 150-US

SHP 125-US-20 / SHP 150-US-20



Cost effective

- Modular architecture reduces BOS and maximizes system uptime
- Compact design and high power density maximize transportation and logistical efficiency

Maximum flexibility

- Scalable 1,500 VDC building block with best-in-class performance
- Flexible architecture creates scalability while maximizing land usage

Simple install, commissioning

- Ergonomic handling and simple connections enable quick installation
- Centralized commissioning and control with SMA Data Manager

Highly innovative

- SMA Smart Connected reduces O&M costs and simplifies field-service
- Powered by award winning ennexOS cross sector energy management platform

SUNNY HIGHPOWER PEAK3 125-US / 150-US

A superior modular solution for large-scale power plants

The PEAK3 1,500 VDC inverter offers high power density in a modular architecture that achieves a cost-optimized solution for large-scale PV integrators. With fast, simple installation and commissioning, the Sunny Highpower PEAK3 is accelerating the path to energization. SMA has also brought its field-proven Smart Connected technology to the PEAK3, which simplifies O&M and contributes to lower lifetime service costs. The PEAK3 power plant solution is powered by the ennexOS cross sector energy management platform, 2018 winner of the Intersolar smarter E AWARD.

Technical Data	Sunny Highpower PEAK3 125-US	Sunny Highpower PEAK3 150-US
Input (DC)		
Maximum array power	187500 W _p STC	225000 W _p STC
Maximum system voltage	1500 VDC	
Rated MPP voltage range	705 V ... 1450 V	880 V ... 1450 V
MPPT operating voltage range	684 V ... 1500 V	855 V ... 1500 V
MPP trackers	1	
Maximum operating input current	180 A	
Maximum input short-circuit current	325 A	
Output (AC)		
Nominal AC power	125000 W	150000 W
Maximum apparent power	125000 VA	150000 VA
Output phases / line connections	3 / 3-PE	
Nominal AC voltage	480 V	600 V
Compatible transformer winding configuration	Wye-grounded	
Maximum output current	151 A	
Rated grid frequency	60 Hz	
Grid frequency / range	50 Hz, 60 Hz / -6 Hz ... +6 Hz	
Power factor at rated power / adjustable displacement	1 / 0.0 leading ... 0.0 lagging	
Harmonics (THD)	<3%	
Efficiency		
CEC efficiency	98.5 %	99.0 %
Protection and safety features		
Ground fault monitoring: Riso / Differential current	● / ●	
DC reverse polarity protection	●	
AC short circuit protection	●	
Monitored surge protection (Type 2): DC / AC	● / ●	
Protection class / overvoltage category (as per UL 840)	I / IV	
General data		
Device dimensions (W / H / D)	770 / 830 / 444 mm (30.3 / 32.7 / 17.5 in.)	
Device weight	98 kg (216 lbs)	
Operating temperature range	-25 °C ... +60 °C (-13 °F ... +140 °F)	
Storage temperature range	-40 °C ... +70 °C (-40 °F ... +158 °F)	
Audible noise emission (full power @ 1m and 25 °C)	< 69 dB(A)	
Internal consumption at night	< 5 W	
Topology	Transformerless	
Cooling concept	OptiCool (forced convection, variable speed fans)	
Enclosure protection rating	Type 4X (as per UL 50E)	
Maximum permissible relative humidity (non-condensing)	100%	
Additional information		
Mounting	Rack mount	
DC connection	Terminal lugs - up to 600 kcmil CU/AL	
AC connection	Screw terminals - up to 300 kcmil CU/AL	
LED indicators (Status/Fault/Communication)	●	
SMA Speedwire (Ethernet network interface)	● (2 x RJ45 ports)	
Data protocols: SMA Modbus / SunSpec Modbus / Webconnect	● / ● / ●	
Integrated Plant Control / Q on Demand 24/7	● / ●	
Off-grid capable / SMA Hybrid Controller compatible	- / ●	
SMA Smart Connected (proactive monitoring and service)	●	
Certifications		
Certifications and approvals	UL 62109, UL 1998, CAN/CSA-C22.2 No.62109	
FCC compliance	FCC Part 15, Class A	
Grid interconnection standards	IEEE 1547, UL 1741 SA - CA Rule 21, HECO Rule 14H	
Advanced grid support capabilities	L/HFRT, L/HVRT, Volt-VAR, Volt-Watt, Frequency-Watt, Ramp Rate Control, Fixed Power Factor	
Warranty		
Standard	5 years	
Optional extensions	10 / 15 / 20 years	
Type designation	SHP 125-US-20	SHP 150-US-20
Technical data as of April 2019 ● Standard features ○ Optional features – Not available		

SHP150-US-16: Changes to product and services, including those resulting from country specific requirements, as well as deviations from technical data are subject to change at any time without notice. SMA assumes no liability for typographical or other errors. Please visit www.SMA-Solar.com for the latest information.

VSUN550-144BMH-DG

550W

Highest power output

21.29%

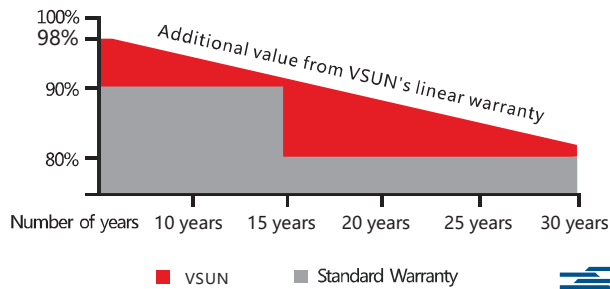
Module efficiency

12years

Material & Workmanship warranty

30years

Linear power output warranty



■ VSUN

■ Standard Warranty

Munich RE



MBB technology with Circular Ribbon



Higher output power



Half-cell Technology



Positive tolerance offer



Non-destructive cutting



Up to 30% extra power generation yield from the back side



Certified for salt/ammonia corrosion resistance



Load certificates: wind to 2400Pa and snow to 5400Pa



Lower LCOE

VSUN, a BNEF Tier-1 PV module manufacturer invested by Fuji Solar, has been committed to providing greener, cleaner and more intelligent renewable energy solutions. VSUN is dedicated to bringing reliable, customized and high-efficient products into various markets and customers worldwide



Engineered in Japan
www.vsun-solar.com

Electrical Characteristics at Standard Test Conditions(STC)

Module Type	VSUN550-144BMH-DG	VSUN545-144BMH-DG	VSUN540-144BMH-DG	VSUN535-144BMH-DG
Maximum Power - Pmax (W)	550	545	540	535
Open Circuit Voltage - Voc (V)	49.92	49.81	49.65	49.5
Short Circuit Current - Isc (A)	13.99	13.92	13.85	13.78
Maximum Power Voltage - Vmpp (V)	42	41.8	41.65	41.5
Maximum Power Current - Imp (A)	13.1	13.04	12.97	12.9
Module Efficiency	21.29%	21.10%	20.90%	20.71%

Standard Test Conditions (STC): irradiance 1,000 W/m²; AM 1.5; module temperature 25°C. Pmax Sorting : 0~5W. Measuring Tolerance: ±3%.

Remark: Electrical data do not refer to a single module and they are not part of the offer. They only serve for comparison among different module types.

Electrical Characteristics with different rear side power gain(reference to 545 front)

Pmax (W)	Voc (V)	Isc (A)	Vmpp (V)	Imp (A)	Pmax gain
575	49.76	14.69	41.80	13.76	5%
602	49.76	15.39	41.80	14.41	10%
656	49.81	16.79	41.75	15.72	20%
684	49.81	17.49	41.75	16.38	25%

Temperature Characteristics

NOCT	45°C(±2°C)
Voltage Temperature Coefficient	-0.27%/°C
Current Temperature Coefficient	+0.048%/°C
Power Temperature Coefficient	-0.32%/°C

Maximum Ratings

Maximum System Voltage [V]	1500
Series Fuse Rating [A]	30
Bifaciality	70%±5%

Material Characteristics

Dimensions	2278×1134×35mm (L×W×H)
Weight	32.7kg
Frame	Silver anodized aluminum profile
Front Glass	AR-coating Semi-toughened glass, 2.0mm
Cell Encapsulation	EVA or POE
Back Glass	Glazed & Semi-toughened glass, 2.0mm
Cells	12×12 pieces bifacial monocrystalline solar cells series strings
Junction Box	IP68, 3 diodes
Cable&Connector	Potrait: 500 mm (cable length can be customized) , 1×4 mm 2 , compatible with MC4

Packaging

Dimensions(L×W×H)	2310×1125×1253mm
Container 20'	150
Container 40'	300
Container 40'HC	600 or 570 (only for US)

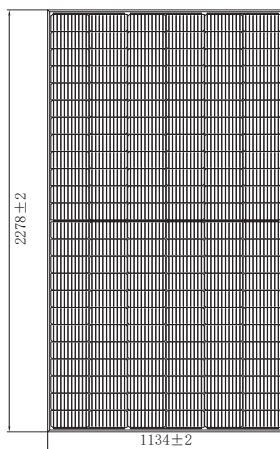
System Design

Temperature Range	-40 °C to + 85 °C
Withstanding Hail	Maximum diameter of 25 mm with impact speed of 23 m/s
Maximum Surface Load	5,400 Pa
Application class	class A

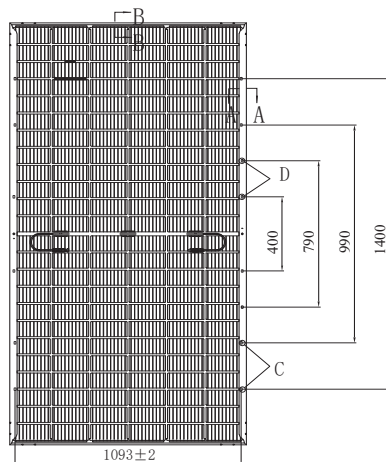
Note: mm

Dimensions

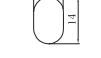
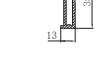
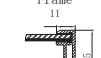
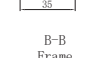
Note: mm



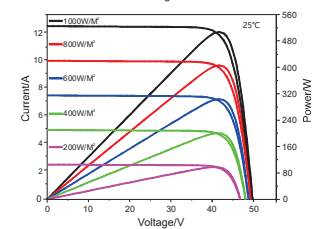
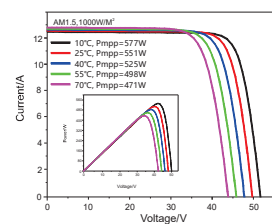
FRONT VIEW



BACK VIEW



IV-Curves





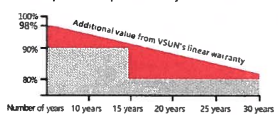
VSUN545-144BMH-DG

545W
Highest power output

21.32%
Module efficiency

12 years
Material & Workmanship warranty

30 years
Linear power output warranty



VSUN545-144BMH-DG VSUN540-144BMH-DG
VSUN535-144BMH-DG VSUN530-144BMH-DG



- Micro Gap
- Up to 30% extra power generation yield from the back side
- Certified for salt/ammonia corrosion resistance
- Load certificates: wind to 2400Pa and snow to 5400Pa
- Lower LCOE
- MBB technology with Circular Ribbon
- Higher output power
- Half-cell Technology
- Positive tolerance offer

VSUN, a BNEF Tier-1 PV module manufacturer invested by Fuji Solar, has been committed to providing greener, cleaner and more intelligent renewable energy solutions. VSUN is dedicated to bringing reliable, customized and high-efficient products into various markets and customers worldwide



Electrical Characteristics at Standard Test Conditions(STC)

Module Type	VSUN545-144BMH-DG	VSUN540-144BMH-DG	VSUN535-144BMH-DG	VSUN530-144BMH-DG
Maximum Power Pmax (W)	545	540	535	530
Open Circuit Voltage Voc (V)	49.81	49.65	49.5	49.35
Short Circuit Current Isc (A)	13.92	13.85	13.78	13.71
Maximum Power Voltage Vmp (V)	41.8	41.65	41.5	41.35
Maximum Power Current Imp (A)	13.04	12.97	12.9	12.82
Module Efficiency	21.32%	21.32%	21.32%	21.32%

Electrical Characteristics with different rear side power gain(reference to 540 front)

Pmax (W)	Voc (V)	Isc (A)	Vmp (V)	Imp (A)	Power-ga
557	49.65	14.54	41.70	13.62	-
594	49.65	15.24	41.70	14.27	-
648	49.75	16.62	41.80	15.56	20
675	49.75	17.31	41.80	16.21	21

Temperature Characteristics

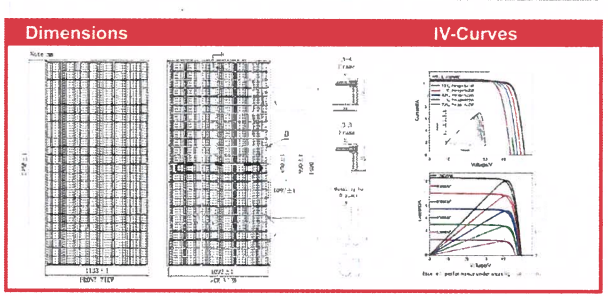
NOCT	45°C (±2°C)
Voltage Temperature Coefficient	-0.27%/°C
Current Temperature Coefficient	+0.068%/°C
Power Temperature Coefficient	-0.27%/°C

Material Characteristics

Dimensions	2.56m x 1.13m (L x W x H)
Weight	31.5kg
Frame	Silver anodized aluminum profile
Front Glass	High transparency, anti-reflection coated, Semi-tempered safety glass 2.0mm
Cell Encapsulation	EVA (ethylene-vinyl acetate) on PDE
Back Glass	Glassed & Semi-tempered safety glass 2.0mm
Cells	12 x 12 pieces bifacial mono-crystalline solar cells series string
Junction Box	IP68, 1 diodes
Cables/Connector	Potential 500mm cable length can be customized 1-4mm compatible with MC4

Packaging

Dimensions (L x W x H)	2260 x 1125 x 125mm
Container 2D	150
Container 4D	300
Container 4D HC	600



GENERAL CONSTRUCTION/SAFETY:

- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE APPLICABLE CONSTRUCTION CODE AND THE PROJECT SPECIFICATIONS.
- LOCATION OF UNDERGROUND UTILITIES SHALL BE VERIFIED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- DIMENSIONS SHOWN ON PLAN SHALL BE VERIFIED IN FIELD.
- LAYOUT IS SUBJECT TO CHANGE PER REQUEST AND/OR EXISTING CONDITIONS IN THE FIELD.
- ENGINEER SHALL NOT BE RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OF CONSTRUCTION SELECTED BY CONTRACTOR.
- CONTRACTOR SHALL FIELD MEASURE AND VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. ANY UNEXPECTED CONDITIONS OR DISCREPANCIES WITH THE DESIGN DOCUMENTS SHALL BE REPORTED TO THE ENGINEER PRIOR TO INSTALLATION OR ERECTION OF MATERIALS.
- THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. WHEN ON SITE, THE ENGINEER IS RESPONSIBLE FOR HIS OWN SAFETY BUT HAS NO RESPONSIBILITY FOR THE SAFETY OF OTHER PERSONNEL OR SAFETY CONDITIONS AT THE SITE.
- NO PERSONNEL SHALL STEP OR STAND ON PHOTOVOLTAIC (PV) MODULES (SOLAR PANELS) AT ANY TIME. RACK STRUCTURE AND PV MODULES ARE NOT DESIGNED FOR LIVE LOADS AND MAY VOID WARRANTY.
- THIS TERRASMA, INC. CONSTRUCTION SET IS DESIGNED FROM PV MODULE DATA SHEET(S) PROVIDED BY THE CUSTOMER. CUSTOMER IS RESPONSIBLE FOR VERIFYING THAT THE PV MODULE(S) DELIVERED TO SITE MATCH DATA SHEET(S) PROVIDED TO TERRASMA, INC. TERRASMA, INC. IS NOT RESPONSIBLE FOR PV MODULE DIMENSIONAL DISCREPANCIES DUE TO FURNISHED PV MODULES NOT MATCHING CUSTOMER FURNISHED PV MODULE DATA SHEETS.

SPECIAL FIELD INSPECTIONS:

SPECIAL INSPECTION NOT REQUIRED BY TERRASMA, INC. AS REQUIRED BY OWNER/CUSTOMER AND/OR AUTHORITY HAVING JURISDICTION, MINIMUM INSPECTION SHALL INCLUDE THE FOLLOWING NOTES AND TABLE:

- ALL SPECIAL INSPECTORS SHALL BE RETAINED BY OWNER/CUSTOMER. THE EXTENT OF THE INSPECTION SHALL COMPLY WITH THE CONTRACT DOCUMENTS, THE BUILDING CODE REQUIREMENTS, AND LOCAL JURISDICTION. IT IS THE OWNER/CUSTOMER'S RESPONSIBILITY TO GIVE PROPER NOTIFICATION TO THE SPECIAL INSPECTOR AND PROCEED WITH THE WORK ONLY AFTER THE SPECIAL INSPECTOR'S APPROVAL.
- FAILURE TO NOTIFY THE SPECIAL INSPECTOR MAY RESULT IN OWNER/CUSTOMER HAVING TO REMOVE WORK FOR THE PURPOSE OF INSPECTION AT THE OWNER'S/CUSTOMER'S EXPENSE.
- PREMATURE NOTIFICATION FOR INSPECTION WILL RESULT IN AN ADDITIONAL INSPECTION WITH ALL EXPENSES AND FEES PAID BY THE OWNER/CUSTOMER.
- SPECIAL INSPECTORS SHALL KEEP RECORDS OF ALL INSPECTIONS. RECORDS SHALL BE FURNISHED TO THE OWNER. ENGINEER OF RECORD, AND LOCAL JURISDICTION AS REQUIRED. ANY AND ALL DISCREPANCIES SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE CONTRACTOR. CORRECTIONS SHALL BE MADE AND A FINAL REPORT OF INSPECTIONS SHALL BE PROVIDED NOTING COMPLETION OF INSPECTIONS AND CORRECTIONS OF DISCREPANCIES. FAILURE TO CORRECT DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER OF RECORD AND THE LOCAL JURISDICTION AND MAY RESULT IN REMOVAL OF COMPLETED WORK AND ADDITIONAL WORK TO CORRECT DISCREPANCIES AT THE CONTRACTOR'S EXPENSE.

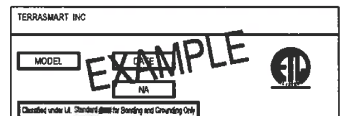
IBC TABLE 1705	CONTINUOUS	PERIODIC
STRUCTURAL STEEL/ALUMINUM FABRICATION		
MATERIAL IDENTIFICATION		X
HIGH STRENGTH BOLTS - MATERIAL IDENTIFICATION OF BOLTS, NUTS AND WASHERS		X
WELD FILLER MATERIALS - IDENTIFICATION AND CONFIRMATION OF COMPLIANCE WITH DESIGN DOCUMENTS		X
STRUCTURAL STEEL/ALUMINUM ERECTION		
MATERIAL IDENTIFICATION		X
INSTALLATION OF HIGH STRENGTH BOLTS		X
WELDED CONNECTIONS		X
MEMBER SIZES AND PLACEMENT		X
GENERAL CONFORMANCE WITH DESIGN DOCUMENTS		X
CONCRETE CONSTRUCTION		
MATERIAL IDENTIFICATION		X
MIX DESIGN VERIFICATION		X
SIZE AND PLACEMENT OF REINFORCING STEEL		X
PLACEMENT OF CONCRETE USING PROPER TECHNIQUES		X
CONCRETE SAMPLES FOR SLUMP, AIR CONTENT, TEMPERATURE, STRENGTH TESTS, ETC. IN ACCORDANCE WITH ACI 318		X
PROPER MAINTENANCE OF SPECIFIED CURING TEMPERATURE AND TECHNIQUES		X
FOUNDATIONS		
SIZE AND LOCATION OF FOUNDATION EXCAVATIONS		X
PLACEMENT OF REINFORCING STEEL AS REQUIRED		X

WORK BY OTHERS:

- SITE WORK AND DEVELOPMENT.
- ALL ELECTRICAL WORK INCLUDING WIRING, CONDUIT, PANELS AND LIGHTS TO BE FURNISHED AND INSTALLED BY ELECTRICAL CONTRACTOR.
- GROUNDING REQUIREMENTS.
- ALL SHADING ANALYSIS AND/OR PRODUCTION ANALYSIS SHALL BE PERFORMED AND VERIFIED BY OTHERS. TERRASMA, INC. IS NOT RESPONSIBLE FOR PV SYSTEM DESIGN AS IT PERTAINS TO ELECTRICAL OR PV SYSTEM PRODUCTION.

ETL CLASSIFIED

THIS PROJECT CONTAINS RACKING LABELED AS ETL CLASSIFIED UNDER UL SUBJECT 2703 OR UL STANDARD 2703. LABELS ARE APPLIED AT THE FACTORY ON COMPONENTS THAT MAY BE ASSEMBLED AT THE FACTORY OR IN THE FIELD. SEE DETAIL SHEET IN THIS DRAWING SET FOR MORE INFORMATION.



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CHAUN CO. P & Z DEPARTMENT

STRUCTURAL STEEL:

- ALL STRUCTURAL STEEL SHALL BE DESIGNED, FABRICATED AND ERECTED IN ACCORDANCE WITH THE LATEST VERSION OF AISC "MANUAL OF STEEL CONSTRUCTION." LIGHT GAGE COLD-FORMED SECTIONS SHALL CONFORM TO LATEST VERSION OF AISI SPECIFICATIONS FOR COLD-FORMED STEEL STRUCTURAL MEMBERS.
- MATERIALS:
 - A. ROLLED SHAPES: ASTM A992 OR A572 GRADE 55, F_y = 55 KSI MINIMUM
 - B. PLATES: ASTM A36
 - C. TUBULAR SHAPES: ASTM A500 GRADE C, F_y = 50 KSI MINIMUM
 - D. FIELD BOLTS (TYP. U.N.O.): SAE J429 GRADE 5
 - E. SCREWS: #12 TEK-S GALVANIZED
 - F. COLD-FORMED/LIGHT GAGE: ASTM A653 GRADE 55
 - G. ANCHOR RODS: ASTM A307 (TYPICAL U.N.O.)
- TEK SCREWS ARE TO BE INSTALLED USING A 2500 RPM MAX. NON-IMPACTING VARIABLE SPEED DRILL WITH CLUTCH OUT.
- REFER TO THE LATEST TERRASMA, INC. RFI GUIDE FUSE MOUNTING SYSTEM INSTALLATION GUIDE FOR STRUCTURAL CONNECTION TORQUE VALUES.
- ALL WELDING OF STEEL SHALL BE DONE IN ACCORDANCE WITH THE LATEST VERSION OF THE AMERICAN WELD SOCIETY'S SPECIFICATIONS - AWS D1.1. ELECTRODES SHALL BE E70 SERIES UNLESS NOTED OTHERWISE.
- GALVANIZING SPECIFICATIONS:
 - A. STRUCTURAL SHAPES: HOT-DIPPED GALVANIZING SHALL BE PER ASTM A123
 - B. PRE-GALVANIZED MATERIALS SHALL COMPLY WITH ASTM A553 - G90 MINIMUM
 - C. ALL STRUCTURAL HARDWARE (NOT MODULE MOUNTING HARDWARE): HOT-DIPPED GALVANIZING SHALL BE PER ASTM F2329 UNLESS NOTED OTHERWISE.

MISCELLANEOUS FASTENERS:

- ALL BOLTS SHALL BE THE TYPE AND SIZE INDICATED ON DRAWINGS.
- ALL HARDWARE USED FOR MOUNTING PV MODULES SHALL BE STAINLESS STEEL UNLESS NOTED OTHERWISE.
- ALL PV MODULE MOUNTING HARDWARE SHALL BE INSTALLED AND TORQUED PER THE LATEST TERRASMA, INC. RFI GUIDE FUSE MOUNTING SYSTEM INSTALLATION GUIDE.

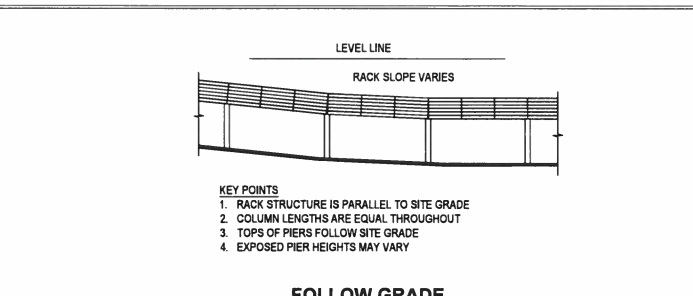
FOUNDATIONS/CONCRETE:

- THE FOUNDATION DESIGN IS BASED ON ASSUMED MINIMUM CODE ALLOWABLE VALUES AND FIELD TESTS PERFORMED BY TERRASMA, INC. ON 04/12/2022
- CONCRETE SPECIFICATIONS: STRENGTH: 2900 PSI MINIMUM @ 28 DAYS FOR FOOTINGS OR 4000 PSI MINIMUM @ 28 DAYS FOR BALLASTS. AIR CONTENT: 4-8% AGGREGATE SIZE: 3/4" MAXIMUM MINIMUM COVER: 3" UNLESS NOTED OTHERWISE
- GROUT SPECIFICATIONS: 8000 PSI MINIMUM, NON-SHRINK
- REINFORCING STEEL: ASTM A615 GRADE 60 BILLET STEEL
- CUSTOMER IS RESPONSIBLE FOR VERIFYING FINAL SOIL CONDITIONS DURING CONSTRUCTION HAVE NOT BEEN PURPOSELY ALTERED IN ANY WAY TO ENSURE THE SOIL IS CONSISTENT WITH FINDINGS INCLUDED IN GEOTECHNICAL REPORT. IF APPLICABLE, AND OR FIELD TESTS PERFORMED BY TERRASMA, INC. VARIATIONS IN SOIL CONDITIONS SHALL BE REPORTED TO GEOTECHNICAL ENGINEER AND/OR ENGINEER OF RECORD RESPONSIBLE FOR FOUNDATION DESIGN PRIOR TO INSTALLATION OF ANY FOUNDATION MATERIALS.
- INSTALLER/CONTRACTOR SHALL COORDINATE PLACEMENT OF FOUNDATIONS AND/OR ANCHOR BOLTS PER DESIGN DRAWINGS AND MANUFACTURER'S SPECIFICATIONS.
- TERRASMA, INC. DESIGNS DRIVEN-PILE AND ALTERNATIVE FOUNDATIONS BASED ON SOIL PROPERTIES OBTAINED IN CERTIFIED GEOTECHNICAL REPORTS AND/OR DATA FROM FIELD TESTING. ALL DESIGNS ASSUME UNDISTURBED SOIL CONDITIONS, AND DO NOT TAKE INTO ACCOUNT TRENCHING NEAR FOUNDATIONS. FOR CASES WHERE TRENCHING FOR ELECTRICAL WORK IS AT OR NEAR A FOUNDATION, TERRASMA, INC. RECOMMENDS A MINIMUM OF 3'-0" CLEAR FROM THE EDGE OF THE TRENCH TO THE EDGE OF THE FOUNDATION FOR "NORMAL GOOD SOIL CONDITIONS." IN CASES OF "POOR SOIL CONDITIONS," TERRASMA, INC. RECOMMENDS A MINIMUM CLEAR DISTANCE EQUAL TO OR GREATER THAN THE DEPTH OF THE FOUNDATION. IF IN DOUBT OF SOIL CONDITIONS, TERRASMA, INC. RECOMMENDS CONSULTING A QUALIFIED GEOTECHNICAL ENGINEER TO ASSESS SOIL CONDITIONS AT THE SITE.
- NOTE: TRENCHING/EXCAVATION WITHIN 3'-0" OF ANY RACK SUPPORT POST REQUIRES REPLACING THE ORIGINAL SOIL AND COMPACTION TO 98% MODIFIED PROCTOR DENSITY. FOR FURTHER CLARIFICATION ON COMPACTION REQUIREMENTS, TERRASMA, INC. RECOMMENDS CONSULTING A QUALIFIED GEOTECHNICAL ENGINEER.
- REFER TO SHEET SG303 FOR REFUSAL REMEDY PROCEDURE AND ALTERNATE FOUNDATION OPTIONS.

SURVEYING REQUIREMENTS:

- ALL SURVEYING WORK MUST BE COMPLETED BY OTHERS PRIOR TO TERRASMA, INC. MOBILIZING ON-SITE UNLESS NOTED OTHERWISE.
- ALL SURVEYING FOR THE RACKING MUST BE BASED OFF OF THE LATEST DOCUMENT SET FROM TERRASMA, INC.
- THE FIRST AND LAST RACKING POST IN EVERY ROW MUST HAVE THE CENTER POINTS SURVEYED AND MARKED. THERE MUST BE A FIVE FOOT OFFSET TO THE WEST OF THE WESTERMOST POST LOCATION AND A FIVE FOOT OFFSET TO THE EAST OF THE EASTERMOST POST LOCATION IN EVERY ROW.
- FOR ROWS LONGER THAN 100 FEET, THE CENTERLINE LOCATION MUST BE MARKED WITHIN THE ROW AT EVERY 100 FEET MAXIMUM. THESE ADDITIONAL MARKS SHOULD NOT BE AT A POST LOCATION. DO NOT MARK EACH INDIVIDUAL POST LOCATION WITHIN A ROW AS IT WILL NOT BE ACCURATE DUE TO TOPOGRAPHY.
- EVERY INDIVIDUAL EQUIPMENT POST LOCATION MUST HAVE THE CENTER POINT SURVEYED AND MARKED.

RACK SYSTEM TOPOGRAPHIC RELATIONSHIP



PROFESSIONAL SEAL
ENGINEER'S SEAL APPLIES TO DESIGN OF STRUCTURAL COMPONENTS ONLY

GROUND MOUNT FOR BTB ENERGY SOLUTIONS

RELEASE RECORD

MARK	DATE	DESCRIPTION
5	06/21/22	FOR CONSTRUCTION (R)
4	06/13/22	80% REVIEW
3	05/11/22	FOR CONSTRUCTION
2	05/11/22	80% REVIEW
1	04/07/22	50% REVIEW

PROJECT INFORMATION

TITLE & ADDRESS:
RANTOUL

1500 County Road E
Rantoul, IL

TERRASMA PROJECT No.
2234005

DRAWN BY: KND/CTN
REVIEWED BY: DMK/DNH

SHEET TITLE:
GENERAL NOTES/
MODULE SPECIFICATION SHEETS

SHEET No.
SG002



terrasmart
6715 STEGER DRIVE
CINCINNATI, OH 45237
513.242.2951
FAX: 513.242.0816

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CHAMPAIGN CO. P & Z DEPARTMENT

PROFESSIONAL SEAL

ENGINEER'S SEAL APPLIES TO DESIGN OF STRUCTURAL COMPONENTS ONLY

GROUND MOUNT FOR BTB ENERGY SOLUTIONS

RELEASE RECORD

MARK	DATE	DESCRIPTION
5	06/21/22	FOR CONSTRUCTION (R1)
4	06/13/22	90% REVIEW
3	05/11/22	FOR CONSTRUCTION
2	05/11/22	90% REVIEW

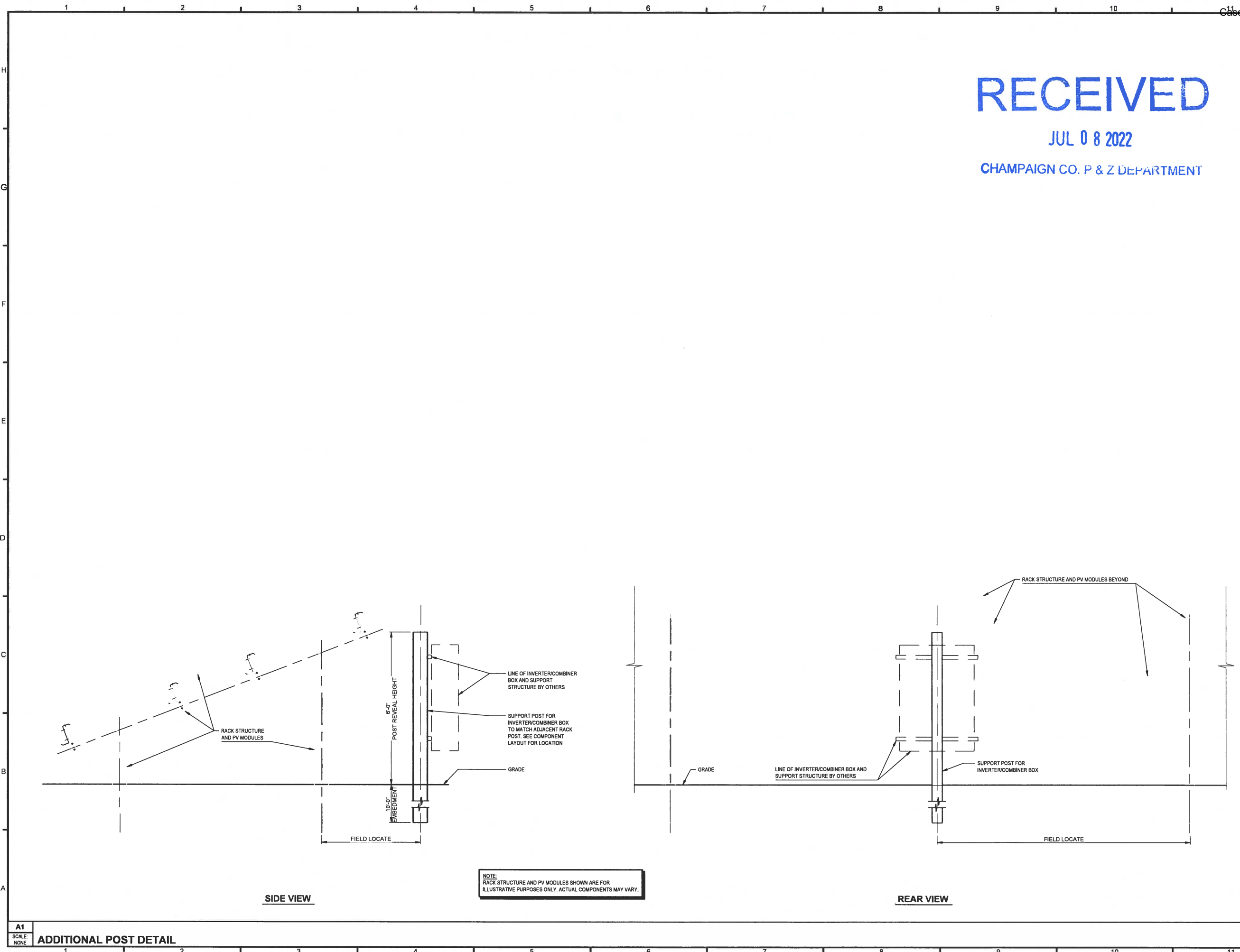
PROJECT INFORMATION

TITLE & ADDRESS:
RANTOUL

1500 County Road E
RANTOUL, IL

TERRASMART PROJECT No.:
2234005
DRAWN BY: KND/CTN REVIEWED BY: DMK/DNH
SHEET TITLE:
ADDITIONAL POST DETAIL

SHEET No.:
SG201



SIDE VIEW

REAR VIEW

NOTE:
RACK STRUCTURE AND PV MODULES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY. ACTUAL COMPONENTS MAY VARY.

A1	ADDITIONAL POST DETAIL
SCALE:	NONE

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CHAMPAIGN CO. P & Z DEPARTMENT



PROFESSIONAL SEAL

ENGINEER'S SEAL APPLIES TO DESIGN OF STRUCTURAL COMPONENTS ONLY

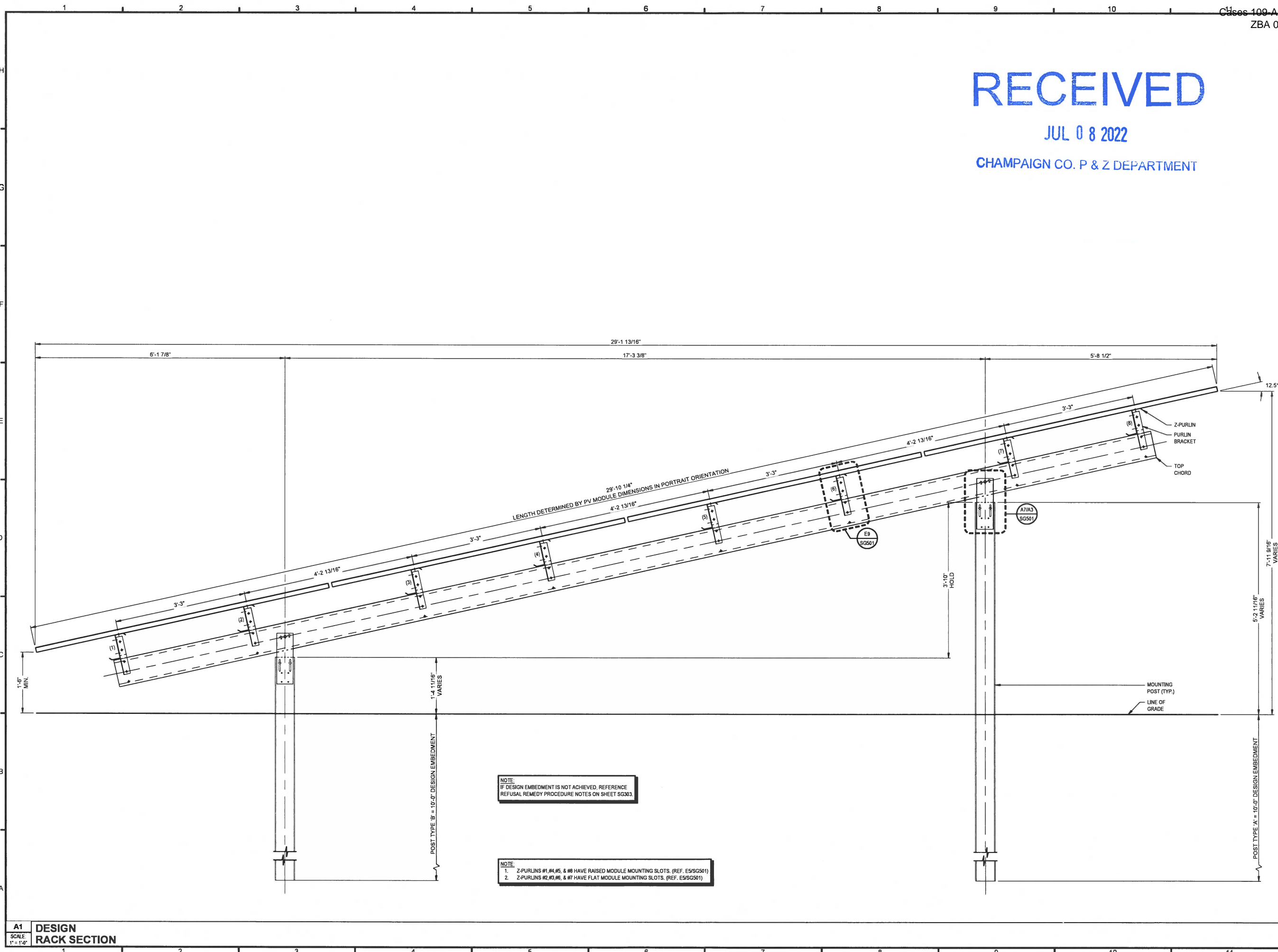
GROUND MOUNT FOR BTB ENERGY SOLUTIONS

RELEASE RECORD

MARK	DATE	DESCRIPTION
5	06/21/22	FOR CONSTRUCTION (R)
4	06/13/22	90% REVIEW
3	05/11/22	FOR CONSTRUCTION
2	05/11/22	90% REVIEW
1	04/07/22	50% REVIEW

PROJECT INFORMATION

TITLE & ADDRESS RANTOUL	
1500 County Road E. RANTOUL, IL	
TERRASMART PROJECT No.: 2234005	
DRAWN BY: KND/CTN	REVIEWED BY: DMK/DNH
SHEET TITLE: RACK SECTION	
SHEET No.: SG301	



NOTE:
IF DESIGN EMBEDMENT IS NOT ACHIEVED, REFERENCE REFUSAL REMEDY PROCEDURE NOTES ON SHEET SG303.

NOTE:
1. Z-PURLINS #1, #4, #5, & #8 HAVE RAISED MODULE MOUNTING SLOTS. (REF. E5/SG501)
2. Z-PURLINS #2, #3, #6, & #7 HAVE FLAT MODULE MOUNTING SLOTS. (REF. E5/SG501)

A1 DESIGN RACK SECTION
SCALE 1" = 1'-0"

S:\002_SolarDesign\2022_04\0223\005 - BTB Energy Solutions, CO. - V&A_DWG_L\Drawings\224609 000 WIP.dwg, 07/08/2022 1:41:58 PM, User:mdr

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GROUND MOUNT FOR BTB ENERGY SOLUTIONS

RELEASE RECORD

MARK	DATE	DESCRIPTION
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4	06/13/22	90% REVIEW
3	05/11/22	FOR CONSTRUCTION
2	05/11/22	90% REVIEW

PROJECT INFORMATION

TITLE & ADDRESS
RANTOUL

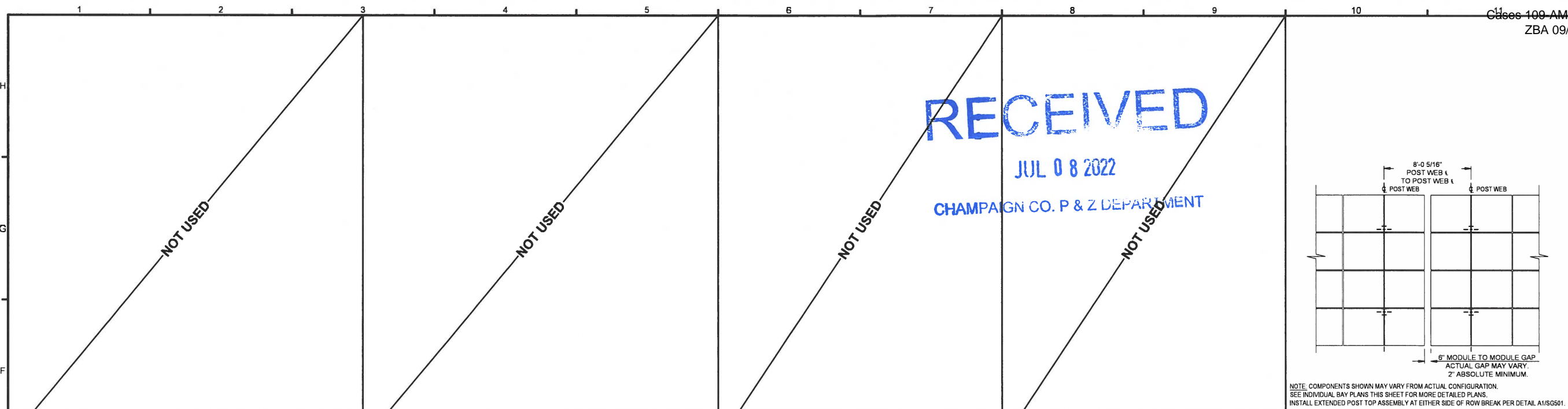
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RANTOUL, IL

TERRASMART PROJECT No.:
2234005

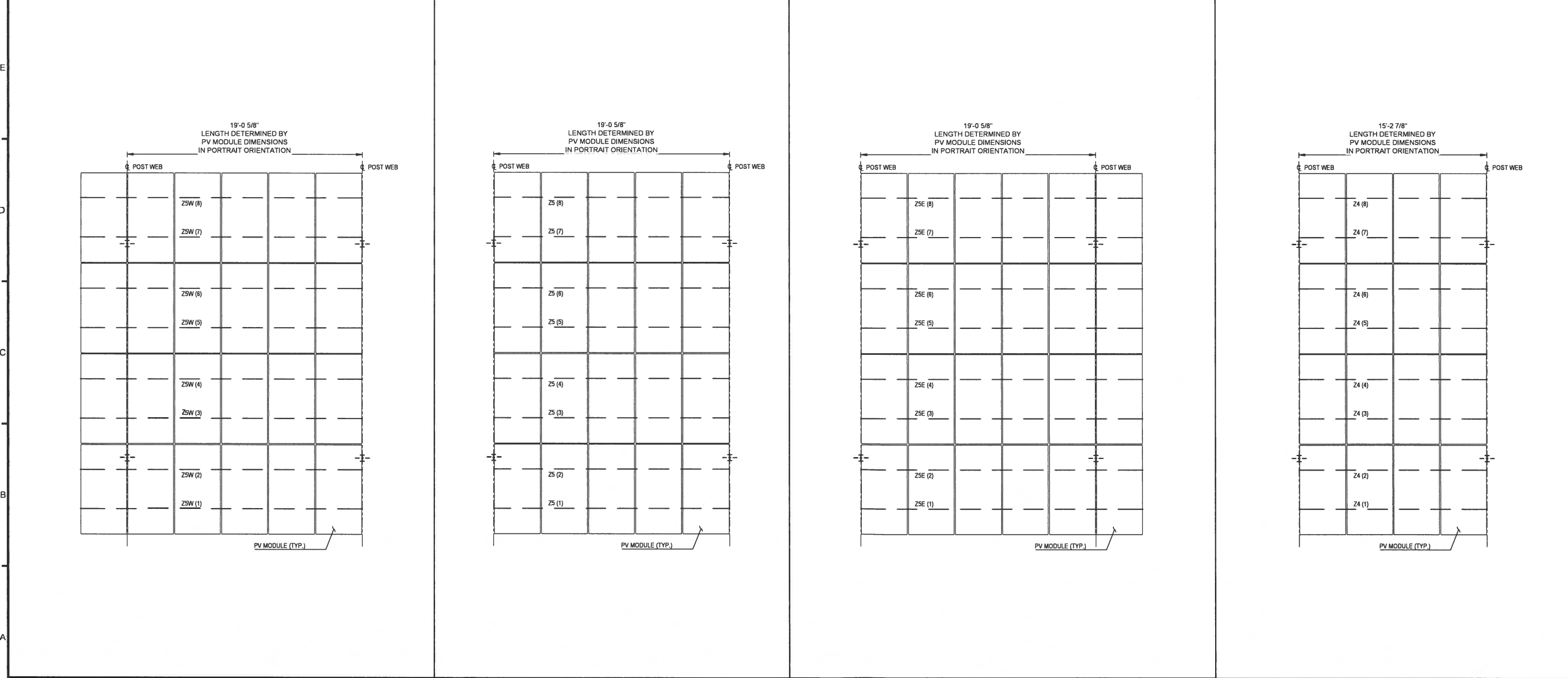
DRAWN BY: KND/CTN REVIEWED BY: DMK/DNH

SHEET TITLE:
BAY PLAN VIEWS

SHEET No.:
SG302



F7 - BAY PLAN VIEW F9 - BAY PLAN VIEW F6 - BAY PLAN VIEW F8 - BAY PLAN VIEW F10 TYPICAL ROW BREAK DETAIL



A1 5WP4 BAY PLAN VIEW A4 5P4 BAY PLAN VIEW A6 5EP4 BAY PLAN VIEW A9 4P4 BAY PLAN VIEW

S:\981 User\Design\2022\Job\2234005 - 878 Energy Solutions, CO. - Villa Grove, IL\Drawings\2234005 KND WFP-Pag. 02/02/22 1:25:01 PM, User: knd

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GROUND MOUNT FOR
BTB ENERGY SOLUTIONS

RELEASE RECORD

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1	04/07/22	50% REVIEW

PROJECT INFORMATION

TITLE & ADDRESS:
RANTOUL

1500 County Road E.
RANTOUL, IL

TERRASMART PROJECT No.:
2234005

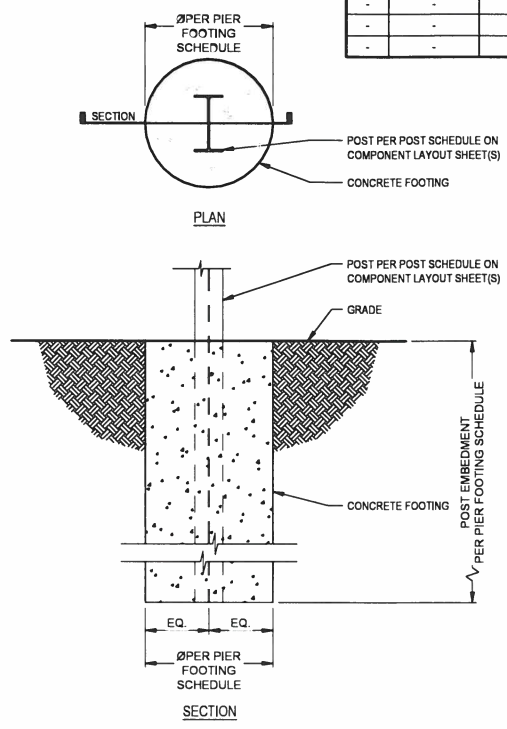
DRAWN BY: KND/CTN
REVIEWED BY: DMK/DNH

SHEET TITLE:
ALTERNATE FOUNDATIONS SECTIONS & DETAILS

SHEET No.:
SG303

RECEIVED
JUL 08 2022
CHAMPAIGN CO. P & Z DEPARTMENT

TYPE	DIAMETER	DEPTH
ALL	1'-6"	5'-0"
-	-	-
-	-	-
-	-	-

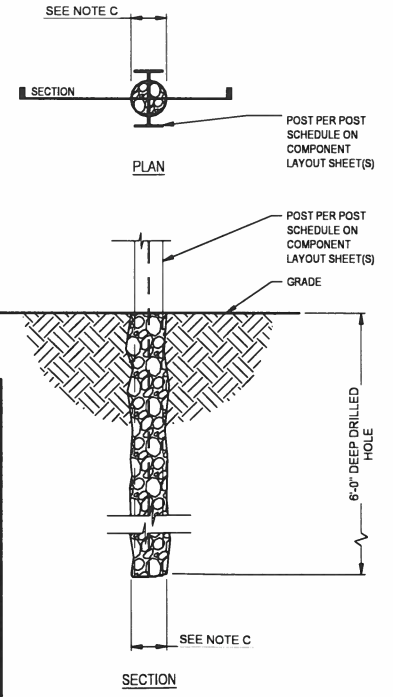


NOTE: CONCRETE PIER DEPTH SHALL MEET OR EXCEED DESIGN EMBEDMENT. BOTTOM OF STEEL POST MAY BE RAISED A MAXIMUM OF 1'-0" ABOVE DESIGN EMBEDMENT AS REQUIRED.

E5 ALTERNATE FOUNDATION PIER FOOTING DETAIL

SCALE: 1" = 1'-0"

- NOTE:
- POST NOT REQUIRED TO BE CENTERED IN HOLE.
 - POST SHOULD BOTTOM OUT AT THE HOLE.
 - WHEN DRILLING SOLID ROCK, HOLE TO BE 1/2"-1" LARGER THAN DIAMETER OF POST. WHEN DRILLING LOOSE ROCK & SOFT SOIL, OR STIFF SOIL, HOLE TO BE 1/2"-1" SMALLER THAN DIAMETER OF POST.



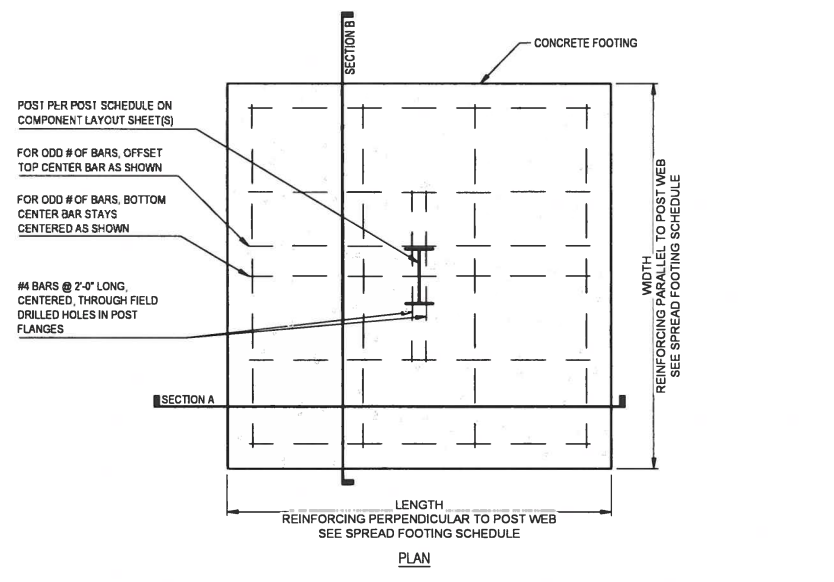
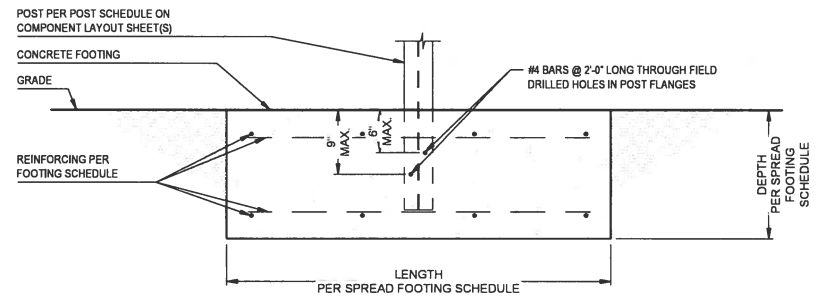
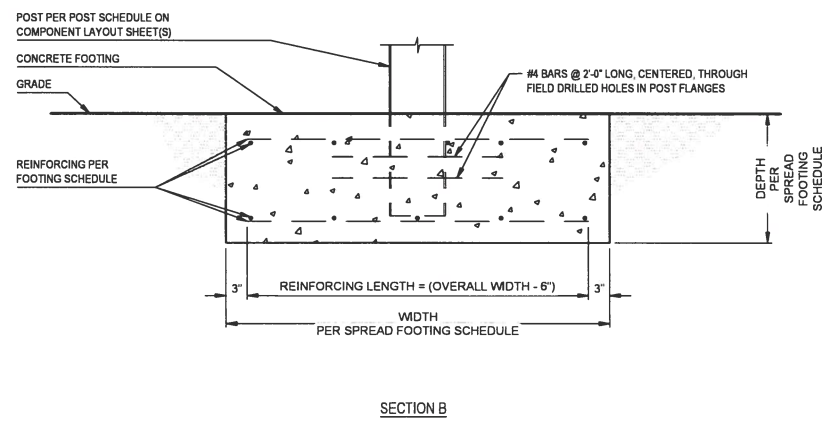
AGGREGATE MATERIAL SPECIFICATION FOR PRE-DRILL, FILL, AND DRIVE

SIEVE	% PASSING	
	OPTION A	OPTION B
1"	100	100
3/4"	50-85	60-100
#4	35-65	50-85
#10	25-50	40-70
#40	15-30	25-45
#200	<6	<6

- NOTE:
- AGGREGATE SHALL BE CRUSHED STONE, SLAG, GRAVEL, OR CHERT.
 - FINES ARE TO BE MANUFACTURED SAND OR OTHER FINE MATERIALS NATURALLY CONTAINED OR ADDED TO MEET SPECIFICATIONS ABOVE.
 - AGGREGATE TO BE WELL GRADED.

TYPE	LENGTH	WIDTH	DEPTH	REINFORCING PARALLEL TO POST WEB	REINFORCING PERPENDICULAR TO POST WEB
ALL	5'-3"	5'-3"	1'-6"	(5) #4 BARS T&B OR (5) #5 BARS T&B	(5) #4 BARS T&B OR (5) #5 BARS T&B
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-

NOTE: ALL REINFORCING TO HAVE 3" MINIMUM COVER



NOTE: REINFORCING SHOWN MAY NOT REPRESENT THE ACTUAL REINFORCING REQUIRED. SEE SPREAD FOOTING SCHEDULE FOR REQUIRED REINFORCING. PROVIDE MINIMUM 3" COVER FOR ALL REINFORCEMENT.

AB ALTERNATE FOUNDATION SPREAD FOOTING DETAIL

SCALE: 1" = 1'-0"

REFUSAL REMEDY PROCEDURE

WHEN DRIVEN POSTS DO NOT ACCOMPLISH DESIGN EMBEDMENT DEPTH(S) AS SPECIFIED ON A1/SG301 AND SHEET SG201 DUE TO REFUSAL, FOLLOW THIS PROCEDURE:

- WHEN REFUSAL IS ENCOUNTERED, EFFORTS TO DRIVE THE POST FURTHER SHOULD BE STOPPED AND DRIVEN POST DEPTH AND LOCATION SHALL BE RECORDED.
- ATTEMPT TO DRIVE RELOCATED POST TO THE DESIGN EMBEDMENT DEPTH SPECIFIED ON A1/SG301 AND SHEET SG201. IF POST DOES NOT REACH THE MINIMUM EMBEDMENT DEPTH OF 4.0 FEET, AN ALTERNATE FOUNDATION SHALL BE REQUIRED.
- IF POST DOES NOT REACH DESIGN EMBEDMENT DEPTH SPECIFIED ON A1/SG301 AND SHEET SG201 BUT REACHED THE MINIMUM EMBEDMENT DEPTH OF 4.0 FEET, THE POST MUST PASS THE FOLLOWING VERTICAL AND LATERAL TESTS:
 - VERTICAL TEST - MINIMUM UPLIFT FORCE 5500 LBS. RESULTING IN VERTICAL DEFLECTION LESS THAN 1/2".
 - LATERAL TEST - MINIMUM LATERAL FORCE 2500 LBS. APPLIED AT 4 FEET ABOVE GRADE AND POST DEFLECTION < 1.00 INCH MEASURED AT GRADE.
- ANY POST BELOW THE DESIGN EMBEDMENT DEPTH THAT DOES NOT PASS THE VERTICAL AND LATERAL TEST SHALL REQUIRE AN ALTERNATE FOUNDATION.
- IF THE POST REACHED THE MINIMUM EMBEDMENT DEPTH OF 4.0 FEET AND PASSED THE VERTICAL AND LATERAL TESTS SPECIFIED ABOVE, THE POST CAN BE FIELD-CUT AND DRILLED ACCORDINGLY.
- ALL FIELD-CUT SURFACES SHALL BE PAINTED WITH BRUSH-ON GALVANIZING PAINT. TERRASMART, INC. DOES NOT RECOMMEND SPRAY GALVANIZING FOR REPAIR AND PAINTING OF CUT SURFACES.
- FOR INSTANCES WHERE IT IS DESIRED TO REDUCE THE POST EMBEDMENT BUT REFUSAL IS NOT ENCOUNTERED, PLEASE CONTACT THE TERRASMART, INC. ENGINEERING DEPARTMENT FOR RECOMMENDATIONS.

A2 REFUSAL REMEDY PROCEDURE

SCALE: NONE

A5 ALTERNATE FOUNDATION PRE-DRILL, FILL, AND DRIVE DETAIL

SCALE: 1" = 1'-0"



terrasmart
6715 STEGER DRIVE
CINCINNATI, OH 45237
513.242.2051
FAX: 513.242.0816

PROFESSIONAL SEAL

ENGINEER'S SEAL APPLIES TO DESIGN OF STRUCTURAL COMPONENTS ONLY

GROUND MOUNT FOR BTB ENERGY SOLUTIONS

RELEASE RECORD

MARK	DATE	DESCRIPTION
5	06/21/22	FOR CONSTRUCTION (R)
4	06/13/22	30% REVIEW
3	05/11/22	FOR CONSTRUCTION
2	05/11/22	30% REVIEW
1	04/07/22	50% REVIEW

PROJECT INFORMATION

TITLE & ADDRESS:
RANTOUL

1500 County Road E.
RANTOUL, IL

TERRASMARK PROJECT No.:
2234005
DRAWN BY: KND/CTN
REVIEWED BY: DMK/DNH
SHEET TITLE:

DETAILS

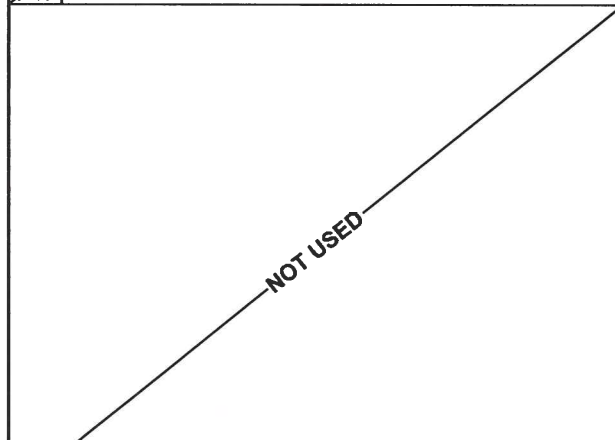
SHEET No. **SG501**

RECEIVED

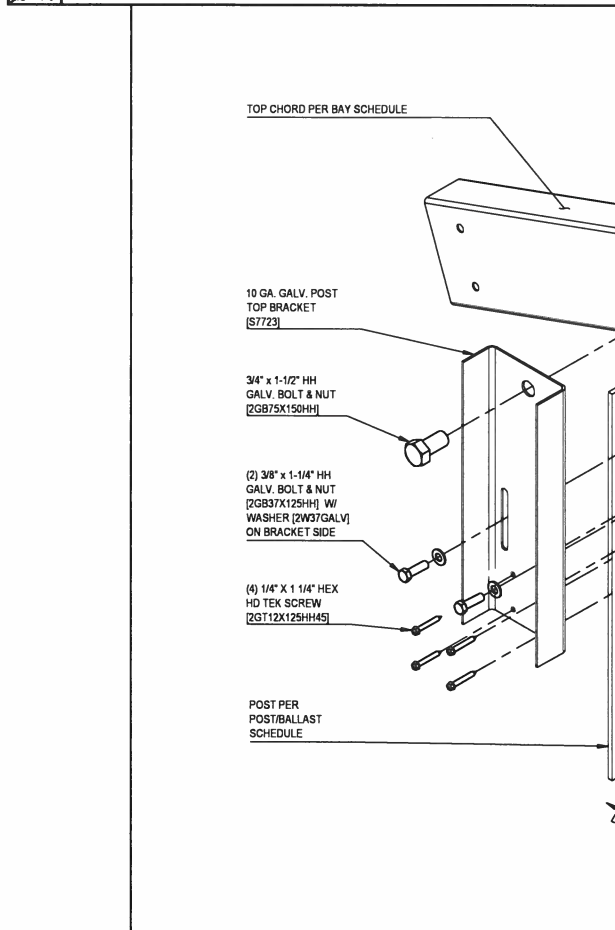
JUL 08 2022

CHAMPAIGN CO. P & Z DEPARTMENT

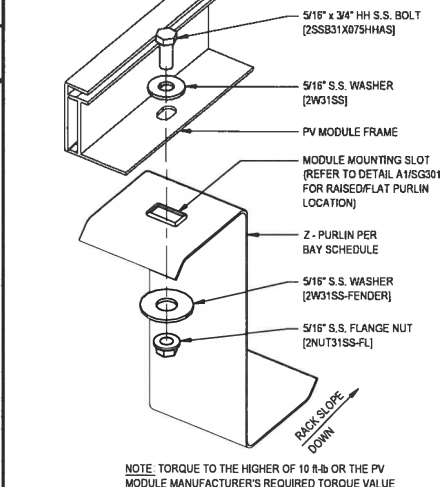
G2 X-BRACE TO POST CONNECTION DETAIL
SCALE: 1/2" = 1'-0"



E2 X-BRACING ELEVATION
SCALE: 1/2\"/>

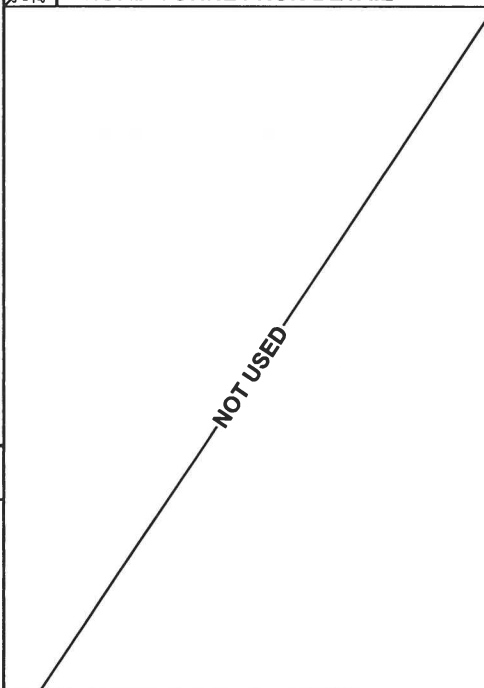


A3 TOP CHORD TO POST CONNECTION ISOMETRIC
SCALE: NONE

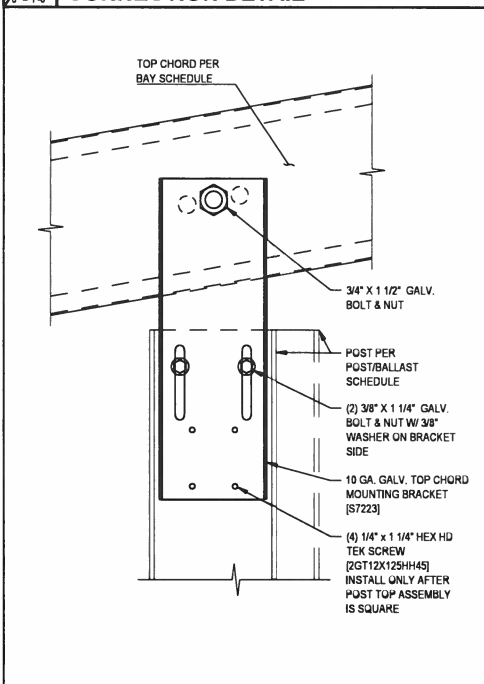


E5 PV MODULE TO PURLIN CONNECTION DETAIL
SCALE: NONE

G7 KNEE BRACE TO TOP CHORD CONNECTION DETAIL
SCALE: 1/2\"/>



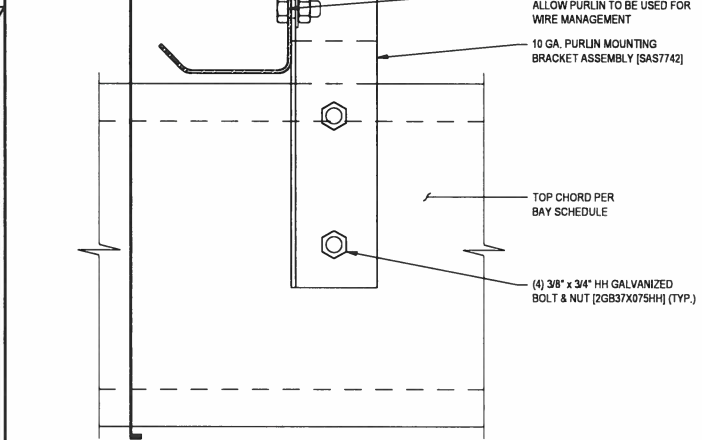
D7 KNEE BRACE TO POST CONNECTION DETAIL
SCALE: 1/2\"/>



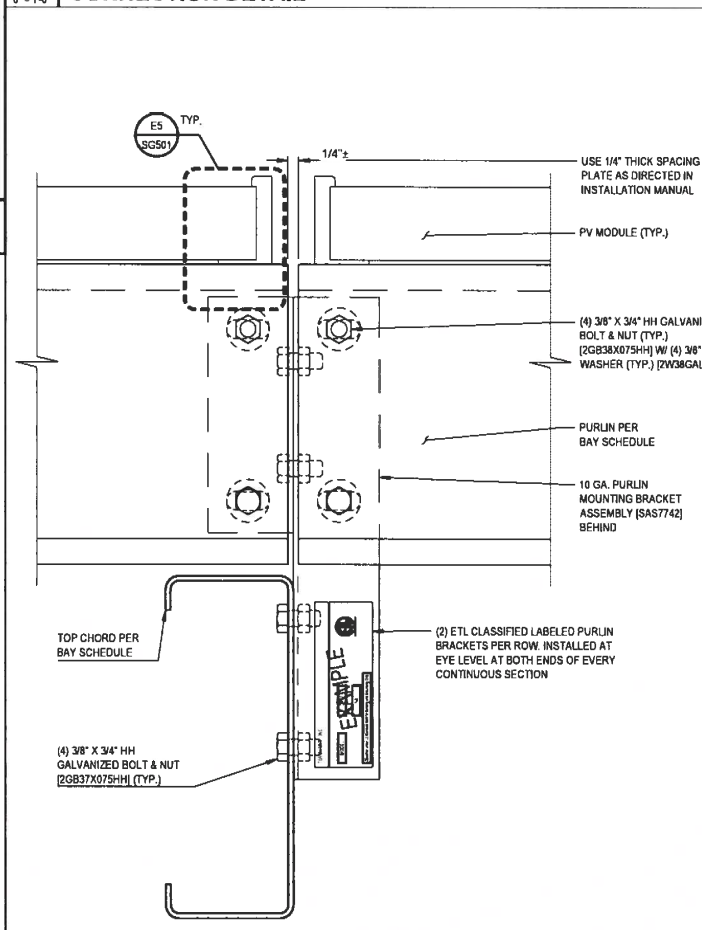
A7 TOP CHORD TO POST CONNECTION DETAIL
SCALE: 1/2\"/>



G7 KNEE BRACE TO TOP CHORD CONNECTION DETAIL
SCALE: 1/2\"/>



E9 TRANSVERSE PURLIN CONNECTION DETAIL
SCALE: 1/2\"/>



A9 LONGITUDINAL PURLIN CONNECTION DETAIL
SCALE: 1/2\"/>



Attachment O: LRMP Goals, Objectives and Policies

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

Attachment P: LRMP Defined Terms

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

RESOLUTION NO. 3425

**A RESOLUTION PERTAINING TO THE
RIGHT TO FARM IN CHAMPAIGN COUNTY**

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.

2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.

3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

RESOLUTION NO. 3425

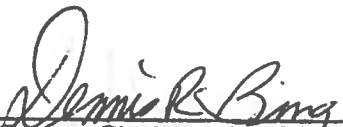
Page 2

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of
May, A.D., 1994.



Chairman, County Board of the
County of Champaign, Illinois

ATTEST: 

County Clerk and Ex-Officio
Clerk of the County Board

109-AM-23/110-S-23/111-S-23/112-V-23 Site Images



109-AM-23/110-S-23/111-S-23/112-V-23
07/31/23

From south side of IL 10 facing north to subject property



109-AM-23/110-S-23/111-S-23/112-V-23
07/31/23

From south side of IL 10 facing NW to subject property

109-AM-23/110-S-23/111-S-23/112-V-23 Site Images



From south side of IL 10 facing NE to subject property

PRELIMINARY DRAFT

109-AM-23

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

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

Date: ***{September 14, 2023}***

Petitioner: **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar array as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23.**

Table of Contents

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LaSalle and Sinclair Factors 15 – 16

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Special Conditions 19

Documents of Record..... 20

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Case 109-AM-23 Final Determination 24

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 110-S-23)

- *1. Petitioner Anthony Donato, via IAG Investments LLC, is negotiating the purchase of the subject property. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project. Mr. Donato is the sole owner and shareholder in IAG Investments LLC and Donato Solar – Bondville LLC.
- *2. The subject property is a 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
 - (1) The Bondville Comprehensive Plan adopted in May 2000 shows the subject property in the “Residential” future land use.
 - *B. The subject property is located within Scott Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a Map Amendment.
4. Regarding comments by the petitioner, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: “N/A.”
5. Regarding comments by the petitioner, when asked on the petition what other circumstances justify the rezoning, the petitioner has indicated: “N/A.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The 77.5-acre subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *B. Land to the north, west, and east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *C. Land to the south of the subject property is inside the Village of Bondville and is a mix of commercial, industrial, and residential uses.
- *7. Regarding the Site Plan received August 30, 2023:
 - *A. Proposed features include:
 - (1) The solar farm fenced area would cover approximately 17 acres.

PRELIMINARY DRAFT

Case 109-AM-23
Page 3 of 24

- (2) The 24 feet by 56 feet (1,344 square feet) data center building would be located in the east-central part of the subject property.
 - (3) Inverters would be located approximately 275 feet from the north, south and east property lines.
 - (4) The access road would follow the east property line from IL Route 10 up to the proposed data center.
 - (5) A line of vegetative screening along the central part of the west property line.
- *B. There are no previous zoning permits for the subject property.
- *C. There are no previous zoning cases for the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- *8. Regarding the existing and proposed zoning districts:
- *A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- * (1) The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - * (2) The 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.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The AG-1 District is generally located throughout the county in areas that have not been placed in any other Zoning Districts.
 - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (3) The subject property is adjacent to the Village of Bondville.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 13 types of uses authorized by right in the AG-1 District and there are 15 types of uses authorized by right in the AG-2 District:
 - a. There are 13 uses authorized by right in the AG-1 District that are also authorized by right in the AG-2 District:
 - (a) SINGLE FAMILY DWELLING;
 - (b) SUBDIVISIONS totaling three lots or less;
 - (c) AGRICULTURE, including customary accessory uses;

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- (d) Roadside stand operated by farm operator;
 - (e) MINOR RURAL SPECIALTY BUSINESS;
 - (f) Plant nursery;
 - (g) Township Highway maintenance garage;
 - (h) ADULT USE CANNABIS CULTIVATION CENTER;
 - (i) ADULT USE CANNABIS CRAFT GROWER;
 - (j) Christmas Tree Sales Lot;
 - (k) OFF-PREMISES SIGN within 660 feet of the edge of the RIGHT-OF-WAY of an interstate highway;
 - (l) OFF-PREMISES SIGN along federal highways except interstate highways; and
 - (m) TEMPORARY USES.
- b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
- (a) Country club or golf course, and
 - (b) Commercial breeding facility.
- c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.
- (2) There are 49 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 88 types of uses authorized by SUP in the AG-2 District:
- a. The following 48 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
 - (a) HOTEL – no more than 15 lodging units;
 - (b) Residential PLANNED UNIT DEVELOPMENT;
 - (c) SUBDIVISIONS totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
 - (d) MAJOR RURAL SPECIALTY BUSINESS;
 - (e) Artificial lake of 1 or more acres;
 - (f) Mineral extraction, quarrying, topsoil removal and allied activities;
 - (g) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
 - (h) Church, temple, or church related TEMPORARY USES on church PROPERTY;
 - (i) Municipal or GOVERNMENT BUILDING;
 - (j) Township Highway Maintenance Garage;
 - (k) Adaptive reuse of GOVERNMENT BUILDINGS for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
 - (l) Penal or correctional institution;
 - (m) Police station or fire station;
 - (n) Library, museum or gallery;
 - (o) Public park or recreational facility;
 - (p) Sewage disposal plant or lagoon;
 - (q) Private or commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT;
 - (r) Radio or television station;

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- (s) Electrical substation;
 - (t) Telephone exchange;
 - (u) RESIDENTIAL AIRPORTS;
 - (v) RESTRICTED LANDING AREAS;
 - (w) HELIPORT-RESTRICTED LANDING AREAS;
 - (x) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
 - (y) Livestock sales facility and stockyards;
 - (z) Slaughter houses;
 - (aa) Grain storage elevator and bins;
 - (bb) ADULT USE CANNABIS CULTIVATION CENTER;
 - (cc) ADULT USE CANNABIS CRAFT GROWER;
 - (dd) Agronomic Research and Training Facility;
 - (ee) Riding stable;
 - (ff) Commercial fishing lake;
 - (gg) Cemetery or crematory;
 - (hh) Pet cemetery;
 - (ii) KENNEL;
 - (jj) VETERINARY HOSPITAL;
 - (kk) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
 - (ll) SPECIFIC MATERIAL COLLECTION SITE;
 - (mm) Contractors facilities (with no outdoor STORAGE nor outdoor OPERATIONS);
 - (nn) Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS;
 - (oo) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;
 - (pp) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS;
 - (qq) SMALL SCALE METAL FABRICATING SHOP;
 - (rr) Gas turbine peaker;
 - (ss) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);
 - (tt) PHOTOVOLTAIC SOLAR FARM (requires SUP approval by County Board);
 - (uu) Sawmills and planing mills, and related activities; and
 - (vv) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) WIND FARM (requires SUP approval by County Board).
- c. The following 40 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) TWO FAMILY DWELLING;
 - (b) Home for the aged;

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- (c) NURSING HOME;
 - (d) TRAVEL TRAILER camp;
 - (e) Commercial greenhouse;
 - (f) Greenhouse (not exceeding 1,000 square feet);
 - (g) Garden shop;
 - (h) Water treatment plant;
 - (i) Public fairgrounds;
 - (j) MOTOR BUS station;
 - (k) Truck terminal;
 - (l) Railroad yards and freight terminals;
 - (m) AIRPORT;
 - (n) HELIPORT/HELISTOPS;
 - (o) Mortuary or funeral home;
 - (p) Roadside produce sales stand;
 - (q) Feed and grain (sales only);
 - (r) ADULT USE CANNABIS TRANSPORTING ORGANIZATION;
 - (s) Artist studio;
 - (t) RESIDENTIAL RECOVERY CENTER;
 - (u) DATA CENTER;
 - (v) Antique sales and service;
 - (w) Amusement park;
 - (x) Resort or organized CAMP;
 - (y) Bait sales;
 - (z) Country club clubhouse;
 - (aa) Lodge or private club;
 - (bb) Outdoor commercial recreational enterprise (except amusement park);
 - (cc) Private indoor recreational development;
 - (dd) Public CAMP or picnic area;
 - (ee) Seasonal hunting or fishing lodge;
 - (ff) Stadium or coliseum;
 - (gg) OUTDOOR THEATRE;
 - (hh) Aviation sales, service or storage;
 - (ii) Self-storage warehouses, without heat/utilities to individual units;
 - (jj) LANDSCAPE WASTE PROCESSING FACILITIES;
 - (kk) LANDSCAPE WASTE COMPOSTING FACILITY;
 - (ll) PERMANENT COMPOSTABLE WASTE COLLECTION POINT;
 - (mm) PV SOLAR ARRAY; and
 - (nn) Wood fabricating shop and related activities.
- (4) Any proposed Special Use Permit can be evaluated on a case-by-case basis for compatibility with adjacent AG-1 uses.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The County Board adopted the *Champaign County Land Resource Management Plan (LRMP)* on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and

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public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
- B. The LRMP defines Goals, Objectives, and Policies as follows:
(1) Goal: an ideal future condition to which the community aspires
(2) Objective: a tangible, measurable outcome leading to the achievement of a goal
(3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING RELEVANT LRMP GOALS & POLICIES

(Note: ***bold italics*** typeface indicates staff’s recommendation to the ZBA)

10. LRMP Goal 1 is entitled “Planning and Public Involvement” and states:
Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed rezoning will ***NOT IMPEDE*** the achievement of Goal 1.

11. LRMP Goal 2 is entitled “Governmental Coordination” and states:
Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 2.

12. LRMP Goal 3 is entitled “Prosperity” and states:
Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 3.

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13. LRMP Goal 4 is entitled “Agriculture” and states:

Champaign County will protect the long-term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning. The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

(1) Policy 4.1.1 states, **“Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.1 for the following reasons:

- *a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
- *b. The proposed PV SOLAR ARRAY will remove land from agricultural production, which can be returned to production should the SOLAR ARRAY be removed.
- *c. The majority of the parcel will remain in agricultural production because only 17 acres are proposed for the PV SOLAR ARRAY.

(2) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**

- i. Suitability of the site for the proposed use;**
 - ii. Adequacy of infrastructure and public services for the proposed use;**
 - iii. Minimizing conflict with agriculture;**
 - iv. Minimizing the conversion of farmland; and**
 - v. Minimizing the disturbance of natural areas; then**
- a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development)**

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- not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
- b) On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- *a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
 - *b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 50 out of 200 points.
 - *c. The total LESA Score of 146 for the subject property receives the lowest protection rating in LESA, which is “low rating for protection.”
 - *d. Agricultural drainage should not be affected because an Agricultural Impact Mitigation Agreement is required for the SOLAR ARRAY.
 - e. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
 - f. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
 - g. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will either **HELP ACHIEVE** or will **NOT IMPEDE** Policies 4.2.2, 4.2.3, and 4.2.4 regarding minimizing conflict with agriculture.
 - h. Regarding compliance with policies having to do with minimizing the disturbance of natural areas:
 - (a) The subject property does not contain any natural areas.
 - (b) Additional information on natural resources is provided under Item 17 of this Finding of Fact (Goal 8: Natural Resources).
- (3) Policy 4.1.8 states, “**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.**”

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The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- *a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
- *b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 50 out of 200 points.
- *c. The total LESA Score of 146 for the subject property receives the lowest protection rating in LESA, which is “low rating for protection.”

- B. Objective 4.2 is entitled “**Development Conflicts with Agricultural Operations**” and states, “**Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.**”

Objective 4.2 includes four subsidiary policies. Policy 4.2.1 does not appear to be relevant to the proposed rezoning. The proposed rezoning will **NOT IMPEDE** Objective 4.2 because of the following:

- (1) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning will **NOT IMPEDE** Policy 4.2.2 for the following reasons:

- a. The proposed use of the subject property is **NOT NEGATIVELY AFFECTED** by agricultural activities because:
 - (a) The proposed project sits sufficiently back from adjacent property lines that agricultural production will not hinder the development.
- b. The proposed development in related Cases 110-S-23 and 111-S-23 **WILL NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure because:
 - (a) Agricultural related activities and systems should not be impacted by the proposed PV SOLAR ARRAY because an Agriculture Impact Mitigation Agreement will be in place.
 - (b) Regarding traffic on rural roads:
 - *i. 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

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reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. IL 10/CR 1600N/Chestnut St had an ADT of 3,350.

- *ii. IL 10/CR 1600N/Chestnut St near the subject property is paved and marked. The pavement is about 22 feet wide with four-foot-wide shoulders.
- *iii. Traffic volumes are expected to increase during construction of the PV SOLAR ARRAYS, but no Traffic Impact Analysis has been done.
- *iv. The Scott Township Highway Commissioner and IDOT were notified of this case, and no comments have been received.
- *v. The Village of Bondville was notified of this case in a letter dated August 21, 2023.

- (2) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.3 for the following reasons:

- a. The Petitioner understands that this is a rural area where agricultural activities take place.
- b. A special condition has been proposed to ensure that any owner recognizes the rights of agricultural activities.

- (3) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed rezoning will **NOT IMPEDE** Policy 4.2.4 for the following reasons:

- a. The proposed project sits sufficiently back from adjacent property lines that no buffer will be necessary.

- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

Objective 4.3 includes five subsidiary policies. Policies 4.3.1 and 4.3.5 are not relevant to the proposed rezoning. The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

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- (1) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.2 because the proposed site *IS WELL SUITED OVERALL* for the development proposed in related Cases 110-S-23 and 111-S-23 for the following reasons:

- *a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
- *b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 50 out of 200 points.
- *c. The total LESA Score of 146 for the subject property receives the lowest protection rating in LESA, which is “low rating for protection.”
- *d. Agricultural drainage should not be affected because an Agricultural Impact Mitigation Agreement is required for the PV SOLAR ARRAY.
- *e. Regarding wastewater treatment and disposal on the subject property:
 - *(a) No wastewater treatment will be required for the proposed development.
- f. Any proposed Special Use Permit can be evaluated on a case-by-case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved, and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- (2) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 1,475 feet from the Bondville Fire Station.

- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reasons:

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- a. Regarding compliance with policies having to do with traffic impacts, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 regarding negative effects on rural roads.

- D. Objective 4.7 is entitled “Right to Farm Resolution” and states: “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

Objective 4.7 has no subsidiary policies. The proposed rezoning will **HELP ACHIEVE** Objective 4.7 because of the following:

- (1) A special condition has been added regarding Right to Farm Resolution 3425.

14. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 5.

15. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

16. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. Objective 7.2 and its subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **NOT IMPEDE** Goal 7 for the following reasons:

- A. Objective 7.1 states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed rezoning will **NOT IMPEDE** Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed rezoning will **NOT IMPEDE** Policy 7.1.1 because:

- *a. Other than construction traffic during project development, traffic increases will not be significant.
- *b. The Scott Township Highway Commissioner and IDOT were notified of this case, and no comments have been received.
- *c. The Village of Bondville was notified of this case. No comments were received regarding traffic volumes.

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17. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. Objectives 8.1, 8.3, 8.4, 8.5, 8.7, 8.8, and 8.9 and the subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **NOT IMPEDE** Goal 8 for the following reasons:

A. Objective 8.2 states, “**Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.**”

The proposed rezoning will **NOT IMPEDE** Objective 8.2 because of the following:

(1) Policy 8.2.1 states, “**The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Relative Value of at least 91 and includes land parcels with mixed soils that have a Land Evaluation score of 91 or greater as defined in the LESA.**”

*a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.

*b. The proposed SOLAR ARRAY will remove land from agricultural production, which can be returned to production should the SOLAR ARRAY be removed.

B. Objective 8.6 states, “**Champaign County will encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species.**”

The proposed rezoning will **NOT IMPEDE** Objective 8.6 because of the following:

(1) Policy 8.6.2 states, “**a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas. b. With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.**”

a. There are no natural features or sensitive environmental areas on the subject property.

18. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

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19. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 10.

GENERALLY REGARDING THE LASALLE FACTORS

20. In the case of *LaSalle National Bank of Chicago v. County of Cook*, the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

A. **LaSalle factor: The existing uses and zoning of nearby property.** Table 1 below summarizes the land uses and zoning of the subject property and nearby properties.

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
South	Residential, commercial, industrial	Village of Bondville zoning

B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) Regarding the effect of the proposed amendment on the value of nearby properties:
 - a. The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.

C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**

- (1) There has been no evidence submitted regarding property values.
- (2) If the petitioner is denied the map amendment and special use permit, the property can still be used for agricultural production.

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- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public would be the creation of solar energy that will help reduce consumption of fossil fuels.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property has been in agricultural production for many years.
 - (2) Agricultural and a mix of uses inside the Village of Bondville surround the subject property, and no development has occurred on the north side of IL10 in this area.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The proposed Special Use Permits are for a DATA CENTER and PV SOLAR ARRAY.
 - (2) There has been an increase in demand for data centers for mining cryptocurrency. These types of data centers have high energy demands that are most economically fulfilled with solar energy.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The subject property is within the 1.5-mile extraterritorial jurisdiction of the Village of Bondville. The Comprehensive Plan Map adopted in May 2000 shows the subject property in the "Residential" future land use.
 - (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS** consistent with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. Regarding the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance:
- *A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
- * (1) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan would be in compliance with those requirements.

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- * (2) The subject property is surrounded on three sides by agriculture.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - (1) The requested Map Amendment should not decrease the value of nearby properties.
 - (2) If the petitioner is denied the map amendment and special use permit, the property can still be used for agricultural production.

- *C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
 - (1) Probable traffic impacts are reviewed under Policy 7.1.1.
 - *a. The traffic generated by the proposed use will be insignificant once construction of the solar arrays is complete.

- *D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
 - * (1) Most of the subject property is located within a Special Flood Hazard Area.
 - * (2) 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.

- *E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - * (1) 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.
 - * (2) 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.

- *F. 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 would be in compliance with those requirements.

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- *G. 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 any problematic conditions.

- *H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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 directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- *I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Uses in related Cases 110-S-23 and 111-S-23 do not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- *J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

There are no natural features on the subject property.

- *K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

*(1) The proposed Special Uses in related Cases 110-S-23 and 111-S-23 do not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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* (2) The proposed Special Use does not require additional public utilities or infrastructure.

- *L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed development would remove approximately 17 acres from agricultural production of the 77.5-acre subject property that is adjacent to the Village of Bondville.

- *M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established 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 proposed rezoning and Special Use will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Proposed Special Conditions of Approval:

- A. **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.

- B. **The Map Amendment is contingent upon approval of Cases 110-S-23 and 111-S-23.**

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

That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.

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DOCUMENTS OF RECORD

1. Applications for Map Amendment, Special Use Permits and Variance received July 25, 2023
2. Preliminary Memorandum dated September 6, 2023, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan with Erosion Control Plan received August 30, 2023 (2 sheets)
 - C 2020 aerial with floodplain and 1-foot contours prepared by P&Z Staff on August 24, 2023
 - D Letter from landowner Andrew Hatch received August 18, 2023
 - E Project Narrative received August 22, 2023
 - F EcoCAT results from IDNR received August 22, 2023
 - G IDNR Historic Preservation Office letter received August 22, 2023
 - H Decommissioning and Site Reclamation Plan received August 25, 2023
 - I Security Plan received August 25, 2023
 - J Erosion Control Plan text received August 29, 2023
 - K Haul Route received August 30, 2023
 - L Inverter specification sheets received August 22, 2023
 - M Solar module specification sheets received August 22, 2023
 - N Terrasmart solar module racking specification sheets received August 22, 2023
 - O LRMP Land Use Goals, Objectives, and Policies (available on ZBA meetings website)
 - P LRMP Appendix of Defined Terms (available on ZBA meetings website)
 - Q Right to Farm Resolution 3425
 - R Site Visit Photos taken July 31, 2023
 - S Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated September 14, 2023
 - T Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated September 14, 2023
 - U Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated September 14, 2023

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SUMMARY FINDING OF FACT FOR CASE 109-AM-23

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 4:
 - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
 - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).
 - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
 - (2) It will **NOT IMPEDE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
 - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
 - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(2)).
 - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(3)).
 - (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
 - a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
 - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).

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- c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
 - (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
 - (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
 - D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 3 Prosperity
 - Goal 5 Urban Land Use
 - Goal 6 Public Health & Public Safety
 - Goal 7 Transportation
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
 - E. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the LaSalle and Sinclair factors because of the following:
 - A. This area has a mix of land uses.
 - B. The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.
 - C. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
 - D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
 - A. Establishing the AG-2 District in this location will **NOT WORSEN** hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters because the subject property is in the flood hazard area 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 per the *Storm Water Management and Erosion Control Ordinance*.

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- B. Establishing the AG-2 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i), see Item 21.G.).
 - C. Establishing the AG-2 District at this location **WILL NOT** impact the protection of natural features (Purpose 2.0 (o), see Item 21.J.).
 - D. Establishing the AG-2 District at this location **WILL NOT** change the agricultural nature or character of the area (Purpose 2.0 (q), see Item 21.L.).
 - E. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special conditions:
- A. **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 (see attached).**

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

Conformance with Land Resource Management Plan Policy 4.2.3.

- B. **The Map Amendment is contingent upon approval of Cases 110-S-23 and 111-S-23.**

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

That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.

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FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 109-AM-23** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. **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.**
- B. **The Map Amendment is contingent upon approval of Cases 110-S-23 and 111-S-23.**

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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110-S-23 and 112-V-23

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

Final Determination: *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}*

Date: *{September 14, 2023}*

Petitioner: **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**

Request: **Case 110-S-23**

Authorize a data center as a Special Use Permit, subject to the proposed rezoning to AG-2 Agriculture in Case 109-AM-23, with the following waiver:

Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires a noise analysis to be performed for a DATA CENTER.

Case 112-V-23

Authorize the following variance for the data center proposed as a Special Use Permit in related case 063-S-22:

Part A: Authorize a variance for 2 parking spaces in lieu of the minimum required 7 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 109-AM-23)

- *1. Petitioner Anthony Donato, via IAG Investments LLC, is negotiating the purchase of the subject property. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project. Mr. Donato is the sole owner and shareholder in IAG Investments LLC and Donato Solar – Bondville LLC.
- *2. The subject property is a 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
 - (1) The Bondville Comprehensive Plan adopted in May 2000 shows the subject property in the “Residential” future land use.
 - *B. The subject property is located within Scott Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a Map Amendment.

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 77.5-acre subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *B. Land to the north, west, and east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *C. Land to the south of the subject property is inside the Village of Bondville and is a mix of commercial, industrial, and residential uses.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the revised Site Plan for the proposed Special Use received August 30, 2023:
 - *A. Proposed features include:
 - * (1) The solar farm fenced area would cover approximately 17 acres.
 - * (2) The 24 feet by 56 feet (1,344 square feet) data center building would be located in the east-central part of the subject property.
 - * (3) Inverters would be located approximately 275 feet from the north, south and east property lines.

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Cases 110-S-23 & 112-V-23

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- * (4) The access road would follow the east property line from IL Route 10 up to the proposed data center.
- * (5) A line of vegetative screening along the central part of the west property line.
- * B. There are no previous zoning permits for the subject property.
- * C. There are no previous zoning cases for the subject property.
- D. The required variance is as follows:
 - (1) Part A: Authorize a variance for 2 parking spaces in lieu of the minimum required 7 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.
 - (2) Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a “DATA CENTER” in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
 - A. 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) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (3) “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.
 - (4) “DATA CENTER” is a centralized location where computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data.
 - (5) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by

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the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.

- (6) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (7) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (8) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (9) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (10) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
 - (11) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. Section 5.2 authorizes a DATA CENTER as a Special Use only in the AG-2, B-4, and I-1 Zoning Districts.
- C. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) 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:
 - a. 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.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.

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- c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. 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.
- D. Section 6.1.3 Schedule of Standard Conditions for Specific Types of Uses states the following regarding a DATA CENTER:
- 1. The location of the DATA CENTER must be approved in writing by the relevant Fire Protection District.
 - 2. The petitioner shall provide the P&Z Department with a written explanation of security features for the DATA CENTER.
 - 3. DATA CENTERS constructed with PV SOLAR ARRAYS shall be located adjacent to the solar inverter and as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice.
 - 4. Noise levels from any DATA CENTER shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code, Subtitle H: Noise, Parts 900, 901, 910).
 - A. Any applicant located within 1,500 feet of a DWELLING shall submit a noise analysis by a qualified professional that demonstrates compliance with the IPCB noise regulations similar to the requirements of Section 6.1.5 I.(3). The analysis shall include manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed DATA CENTER equipment.
 - B. Enforcement shall follow protocols established in Section 6.1.5 I.(4) of the Zoning Ordinance.
- E. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
 - a. Section 7.4.1 A.1. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served."
 - b. Section 7.4.1 A.2. states, "All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area."
 - c. Section 7.4.1 A.3.a. states, "No such space shall be located less than 10 feet from any FRONT LOT LINE."

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- d. Section 7.4.1 A.3.b. states, “No such space shall be located less than five feet from any side or REAR LOT LINE.”
- (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
- (3) For parking purposes, the Zoning Administrator has determined that a DATA CENTER requires one parking space per 200 square feet of building area.
- (4) Section 7.4.1 C. establishes parking for off-street commercial establishments.
 - a. Section 7.4.1 C.1. states, “Such PARKING SPACE for the accommodation of a heavy motor truck, MOTOR BUS, or other VEHICLE shall be of dimensions herein specified for an off-STREET LOADING BERTH.”
 - b. Section 7.4.1 C.2. states, “The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.”
 - c. Section 7.4.1 C.3. requires establishments that are not specifically mentioned in the ordinance to provide one parking space for every 200 square feet of floor area or portion thereof.
 - d. Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”

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- (5) Section 7.4.2 refers to off-street LOADING BERTHS for commercial uses:
- a. Section 7.4.2 A. establishes general provisions for LOADING BERTHS.
 - (a) All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - (b) All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - (c) No VEHICLE repair or service work shall be performed on any LOADING BERTH.
 - (d) No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
 - b. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
 - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.
 - (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.
 - (d) All LOADING BERTHS shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.

(e) Schedule of off-street LOADING BERTHS:

Floor Area of ESTABLISHMENT in Square Feet (Thousands)	Minimum Required Number and Size of LOADING BERTHS
1 – 9.999	1 (12 x 40 feet)
10 – 24.999	2 (10 x 40 feet)
25 – 39.999	2 (10 x 70 feet)
40 – 99.999	3 (10 x 70 feet)
100 – 249.999	4 (10 x 70 feet)

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- F. Paragraph 9.1.9 D. of the Zoning Ordinance requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the Zoning Ordinance states that a variance from the terms of the Champaign County Zoning Ordinance shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by 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.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the Ordinance.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- G. 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.

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- (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.
- H. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
 - (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- I. 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.

- J. Regarding the requested variance:
- (1) The minimum number of required parking spaces is established in Section 7.4.1 C.3. of the Zoning Ordinance.
 - (2) The minimum number of loading berths is established in Section 7.4.1 C.5. of the Zoning 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 testified on the application, **“This land has been purchased and an Ameren Interconnect Agreement is in place. Public convenience is the distribution of solar generated power.”**
- (1) The petitioner is negotiating the purchase of the subject property contingent upon approval of these zoning cases. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project.
- B. The subject property is adjacent to the necessary power lines.

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 have testified on the application, **“The project will be designed to be as nonobtrusive as possible. Having a large setback from the Rt 10 corridor to have more room for potential development.”**
- B. Regarding surface drainage:
- (1) The subject property generally drains to the northeast.
- C. Regarding impacts on traffic:
- * (1) The subject property is located on IL10/CR 1600N/Chestnut St. The pavement surface near the subject property is paved and marked and is about 22 feet wide with four-foot-wide shoulders.
 - * (2) 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. IL10/CR 1600N/Chestnut St had an ADT of 3,350.
 - * (3) The Scott Township Highway Commissioner and IDOT were notified of this case, and no comments have been received.

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- D. Regarding fire protection:
- (1) The subject property is located approximately 1,475 feet from the Bondville Fire Station.
- E. Most of the subject property is located within a mapped floodplain, per FEMA panel 17019C0425D.
- F. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
- G. There are no known sensitive environmental areas on the subject property.
- H. Regarding outdoor lighting on the subject property, the application received July 25, 2023, does not indicate outdoor lighting. A special condition has been added to ensure compliance for any future outdoor lighting installation.
- I. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed project.
- J. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.

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- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner testified on the application, **“By installing a solar array with native pollinator habitat put throughout the array it will help retain the essential character of the land for years to come.”**

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- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Section 5.2 authorizes a DATA CENTER as a Special Use only in the AG-2, B-4 and I-1 Zoning Districts.
 - (2) Regarding parking on the subject property for the proposed special use:
 - a. As interpreted by the Zoning Administrator, a DATA CENTER requires one parking space per 200 square feet of building area and must provide accessible parking.
 - (a) The proposed building is 1,344 square feet, which requires 7 parking spaces. The petitioner has requested a waiver for providing two parking spaces in lieu of 7 spaces.
 - (b) The Site Plan received August 30, 2023 shows one accessible parking space and one on the south side of the building, for a total of two provided parking spaces.
 - (c) The Illinois Accessibility Code requires one accessible parking space. A special condition has been added to ensure compliance with the Illinois Accessibility Code.
 - b. Section 7.4.1 C.4. provides parking SCREENS requirements for commercial establishments. No screening is required for the parking area because it is more than 100 feet from the building restriction line of a lot containing a dwelling.
 - (3) Regarding the required LOADING BERTHS:
 - a. For commercial facilities with 1,000 to 9999 square feet in floor area, one 12 feet by 40 feet LOADING BERTH must be constructed per the requirements in Section 7.4.2.
 - (a) The petitioner has requested a variance from this requirement.
- 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) A special condition has been added to ensure compliance with the Ordinance.
- D. Regarding the Special Flood Hazard Areas Ordinance, most of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Bondville subdivision jurisdiction and the subject property is in compliance.
- F. 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

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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.

- (1) A special condition has been added to ensure compliance with the Illinois Accessibility Code.

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 be in harmony with the general intent and purpose of the Ordinance:
 - A. Regarding the proposed Special Use:
 - (1) In the AG-2 Zoning District, Section 5.2 authorizes a DATA CENTER only via Special Use.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District 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.
 - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district 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.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure 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.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

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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.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is unlikely to significantly increase traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
 - a. Most of the subject property is 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.
 - (a) A special condition has been added to ensure compliance.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - c. No comments have been received regarding the proposed Special Use.

- (6) 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.

- (7) 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

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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 any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

The proposed DATA CENTER will be a new building.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

There are no know natural features on the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The entire subject property is proposed to be rezoned to the AG-2 Agriculture district and is, by definition, a rural use.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established 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 proposed Special Use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner testified on the application, **“The adjacent areas are properties used for agriculture-related income.”**
 - B. The proposed use is not an existing non-conforming 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 the proposed waiver for not submitting a noise analysis: the applicants do not feel that the noise analysis is necessary because the technology they are using will be immersed in liquid, and therefore will not make noise.

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

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Without the proposed waivers, the petitioner would have to invest time and financial resources to acquire a professional noise study.

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 the proposed waiver for not submitting a noise analysis: the applicants do not feel that the noise analysis is necessary because the technology they are using will be immersed in liquid, and therefore will not make noise.

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 the proposed waiver for not submitting a noise analysis: the requested variance is 0% of the minimum required, for a variance of 100%.

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

- 16. Regarding the *Zoning Ordinance* requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Village of Bondville has been notified of this case, and no comments have been received.
 - B. The Scott Township Highway Commissioner and IDOT have been notified of this case, and no comments have been received.
 - C. The Bondville Fire Protection District has been notified of this case, and no comments have been received.
 - D. No comments have been received regarding the noise analysis.

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

- 17. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“There won’t be a constant stream of deliveries at this location after initial construction. It will be an unmanned facility.”**
 - B. The proposed data center will be monitored remotely and will have only occasional visits by employees for maintenance. There is therefore limited need for parking and no need for a loading berth.

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

- 18. Generally regarding the *Zoning Ordinance* requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application, **“We want to maintain as much natural habitat as possible and not put concrete on the land.”**

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- B. Without the proposed variance, the petitioner would have to utilize area set aside for the proposed PV SOLAR ARRAY for parking and loading berth areas.

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

19. 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. The Petitioner has testified on the application, **“No. We just want to keep the land free of concrete as much as possible.”**
- B. The petitioner does not expect any visitors to the DATA CENTER and only occasional visits by employees. They do not anticipate a need for a loading berth.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

20. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“It will allow more of the land to be used for farming or natural pollinator habitat.”**
- B. Regarding the proposed variance for two parking spaces in lieu of 16 parking spaces: the requested variance is 12.5% of the minimum required, for a variance of 87.5%.
- (1) Regarding the requirements for the minimum number of parking spaces: the Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably, the parking space requirements are intended to ensure that employees, customers, and deliverers of goods and services have ample room to park safely in consideration of pedestrians and other roadway users.
- (2) The petitioner does not anticipate visitors or deliveries at this site. They do not expect many employee visits because the DATA CENTER will be monitored remotely.
- C. Regarding the proposed variance for no loading berth in lieu of one loading berth: the requested variance is 0% of the minimum required, for a variance of 100%.
- (1) Regarding the minimum requirements for the number of loading berths: off-street loading berths are presumably required to minimize congestion in the street when deliveries are made.
- (2) The petitioner does not anticipate deliveries at this site other than during construction.
- D. The requested variance is not prohibited by the *Zoning Ordinance*.

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GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

21. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application, **“There will still be parking areas and space off street for cars to prevent traffic issues.”**
 - B. The Scott Township Road Commissioner and IDOT have been notified of this variance and no comments have been received.
 - C. The Bondville Fire Protection District has been notified of this variance and no comments have been received.
 - D. No comments have been received for the proposed variance.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

22. Generally regarding any other circumstances that justify the Variance:
- A. The Petitioner did not provide a response on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

23. Regarding proposed special conditions of approval for the Special Use Permit in Case 110-S-23:
- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed special use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.**

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

New commercial buildings shall be in conformance with Public Act 96-704.

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DOCUMENTS OF RECORD

1. Applications for Map Amendment, Special Use Permits and Variance received July 25, 2023
2. Preliminary Memorandum dated September 6, 2023, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan with Erosion Control Plan received August 30, 2023 (2 sheets)
 - C 2020 aerial with floodplain and 1-foot contours prepared by P&Z Staff on August 24, 2023
 - D Letter from landowner Andrew Hatch received August 18, 2023
 - E Project Narrative received August 22, 2023
 - F EcoCAT results from IDNR received August 22, 2023
 - G IDNR Historic Preservation Office letter received August 22, 2023
 - H Decommissioning and Site Reclamation Plan received August 25, 2023
 - I Security Plan received August 25, 2023
 - J Erosion Control Plan text received August 29, 2023
 - K Haul Route received August 30, 2023
 - L Inverter specification sheets received August 22, 2023
 - M Solar module specification sheets received August 22, 2023
 - N Terrasmart solar module racking specification sheets received August 22, 2023
 - O LRMP Land Use Goals, Objectives, and Policies (available on ZBA meetings website)
 - P LRMP Appendix of Defined Terms (available on ZBA meetings website)
 - Q Right to Farm Resolution 3425
 - R Site Visit Photos taken July 31, 2023
 - S Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated September 14, 2023
 - T Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated September 14, 2023
 - U Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated September 14, 2023

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **110-S-23** and **112-V-23** held on **September 14, 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 subject property is adjacent to the necessary power lines.***

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN / 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 because:
 - a. ***Traffic volumes are not expected to increase significantly other than during construction of the project.***
 - b. ***Notice was sent to IDOT and the Scott Township Road Commissioner, and no comments have been received.***

 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
 - a. ***The subject property is located approximately 1,475 feet from the Bondville Fire Station.***

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
 - a. ***The subject property is surrounded by agriculture to the east, west and north, and a mix of uses to the south. The nearest dwelling to the data center is over 1,000 feet to the south.***

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
 - a. ***Most of the subject property is located within a mapped floodplain, so a Floodplain Development Permit will be required in addition to a Zoning Use Permit.***
 - b. ***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, per the Storm Water Management and Erosion Control Ordinance.***

 - e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
 - a. ***The subject property is located approximately 1,475 feet from the Bondville Fire Station.***
 - b. ***Notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments have been received.***

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
 - a. ***There is no significant increase in traffic expected for the DATA CENTER.***

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- g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
 - a. *The site can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public.*
- 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.*

*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.
- 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 *{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 non-conforming use.

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6. **SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:**

- A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance that requires a noise analysis for the DATA CENTER:
- (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. ***Relevant jurisdictions have been notified of the waiver, and no comments have been received.***
 - (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 has indicated that the technology they are using will be immersed in liquid, and therefore will not make noise.***
 - (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 the proposed waiver, the petitioner would have to invest time and financial resources to acquire a professional noise study.***
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - a. ***The applicants do not feel that the noise analysis is necessary because the technology they are using will be immersed in liquid, and therefore will not make noise.***
 - (5) The requested waiver *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. ***The petitioner stated on the application that the technology they are using will be immersed in liquid, and therefore will not make noise.***

7. Regarding the variance:

- a. 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 proposed data center will be monitored remotely and will have only occasional visits by employees for maintenance. There is therefore limited need for parking and no need for a loading berth.***
- b. 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 the proposed variance, the petitioner would have to utilize area set aside for the proposed PV SOLAR ARRAY for parking and loading berth areas.***

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- c. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - a. *The petitioner does not expect any visitors to the DATA CENTER and only occasional visits by employees. They do not anticipate a need for a loading berth.*
- d. The requested variance ~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. *The petitioner does not anticipate visitors or deliveries at this site. They do not expect many employee visits because the DATA CENTER will be monitored remotely.*
- e. The requested variance ~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: *notice of the proposed variance was sent to relevant jurisdictions, and no comments have been received.*
- f. The requested variance ~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:

8. **{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 Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed special use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.**

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

New commercial buildings shall be in conformance with Public Act 96-704.

FINAL DETERMINATION FOR CASE 110-S-23

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **110-S-23** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**, to authorize the following:

Authorize a data center as a Special Use Permit, subject to the proposed rezoning to AG-2 Agriculture in Case 109-AM-23, with the following waiver:

Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires a noise analysis to be performed for a DATA CENTER.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed special use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding edition of the International Building Code, and (B) the current edition or most recent preceding edition of the National Electrical Code NFPA 70.**

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

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FINAL DETERMINATION FOR CASE 112-V-23

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 in Section 9.1.9.C *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **112-V-23** is hereby *{GRANTED/GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**, to authorize the following variance in the AG-2 Agriculture Zoning District:

Authorize the following variance for the data center proposed as a Special Use Permit in related case 110-S-23:

Part A: Authorize a variance for two parking spaces in lieu of the minimum required 7 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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

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

Date: ***{September 14, 2023}***

Petitioner: **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**

Request: **Authorize a PV SOLAR ARRAY with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):**

Part A: A waiver for locating the PV Solar Array less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality per Section 6.1.5 B.(2)a.

Part B: A waiver for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 F.(9)a.(b).iv.

Part C: A waiver for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 I.(3).

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 109-AM-23)

- *1. Petitioner Anthony Donato, via IAG Investments LLC, is negotiating the purchase of the subject property. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project. Mr. Donato is the sole owner and shareholder in IAG Investments LLC and Donato Solar – Bondville LLC.
- *2. The subject property is a 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.
 - A. The proposed PV SOLAR ARRAY fenced area would cover about 17 acres.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
 - (1) The Bondville Comprehensive Plan adopted in May 2000 shows the subject property in the “Residential” future land use.
 - *B. The subject property is located within Scott Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a Map Amendment.

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 77.5-acre subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *B. Land to the north, west, and east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *C. Land to the south of the subject property is inside the Village of Bondville and is a mix of commercial, industrial, and residential uses.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the Site Plan for the proposed Special Use received August 30, 2023:
 - *A. Proposed features include:
 - * (1) The solar farm fenced area would cover approximately 17 acres.
 - * (2) The 24 feet by 56 feet (1,344 square feet) data center building would be located in the east-central part of the subject property.
 - * (3) Inverters would be located approximately 275 feet from the north, south and east property lines.

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- * (4) The access road would follow the east property line from IL Route 10 up to the proposed data center.
- * (5) A line of vegetative screening along the central part of the west property line.
- * B. There are no previous zoning permits for the subject property.
- * C. There are no previous zoning cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a “PV SOLAR FARM” in the AG-2 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. The County Board amended the Zoning Ordinance by adopting PV SOLAR FARM requirements when it adopted Ordinance No. 2018-4 on August 23, 2018.
 - B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (3) “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;

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- b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
 - (4) “DATA CENTER” is a centralized location where computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data.
 - (5) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
 - (6) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
 - (7) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
 - (8) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (9) “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.
 - (10) “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.
 - (11) “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.
 - (12) “LOT LINES” are the lines bounding a LOT.

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- (13) “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).
- (14) “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.
- (15) “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.
- (16) “PV SOLAR ARRAY” is a collection of multiple photovoltaic solar panels that convert sunlight to electricity as a system primarily to be used onsite.
- (17) “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 water wells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.
- (18) “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.
- (19) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (20) “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.
- (21) “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.
- (22) “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.

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- (23) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (24) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (25) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
 - (26) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
 - (27) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- C. Section 4.2.1 C.6. states: It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:
- 6. A PV SOLAR ARRAY may be authorized as a County Board SPECIAL USE Permit in the AG-2 Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.”

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- D. Section 5.2 only authorizes a “PV SOLAR ARRAY” as a County Board Special Use Permit in the AG-2, Business, and Industrial Zoning Districts.
- (1) Section 5.2 Footnote 29 states: “A PV SOLAR ARRAY with one megawatt or more is permitted by a COUNTY BOARD Special Use Permit, subject to the requirements of Sections 6.1.1 and 6.1.5 of the Zoning Ordinance and shall also be a second PRINCIPAL USE requiring a Special Use Permit per Section 4.2.1 F. A PV SOLAR ARRAY with less than one megawatt is permitted under the terms of Section 7.9 ACCESSORY PV SOLAR ARRAY.”
- E. 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.
- F. For a PV SOLAR ARRAY, Section 6.1.3 Schedule of Standard Conditions for Specific Types of Special Uses states: “1. The following requirements are in lieu of the requirements of Section 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.
 - 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.”
- G. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
 - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).
 - (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.

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- (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.
- H. 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.
- I. 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.

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- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
 - (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- J. 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, **“This land has been purchased and an Ameren Interconnect Agreement is in place. Public convenience is the distribution of solar generated power.”**
 - (1) The petitioner is negotiating the purchase of the subject property contingent upon approval of these zoning cases. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project.
 - 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. The subject property is adjacent to power lines needed for the PV SOLAR ARRAY.

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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 project will be designed to be as nonobtrusive as possible. Having a large setback from the Rt 10 corridor to have more room for potential development.”**
 - B. Regarding surface drainage:
 - (1) The subject property generally drains to the northeast.
 - (2) No information was provided regarding possible drainage tiles on the subject property.
 - (3) The decommissioning plan received with the application on August 25, 2023, states: “Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for property storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment.”
 - C. Regarding traffic in the subject property area:
 - * (1) The subject property is located on IL10/CR 1600N/Chestnut St. The pavement surface near the subject property is paved and marked and is about 22 feet wide with four-feet-wide shoulders.
 - * (2) 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. IL10/CR 1600N/Chestnut St had an ADT of 3,350.
 - * (3) The Scott Township Highway Commissioner and IDOT were notified of this case, and no comments have been received.
 - D. Regarding fire protection:
 - (1) The subject property is located approximately 1,475 feet from the Bondville Fire Station.
 - E. Most of the subject property is located within a mapped floodplain, per FEMA panel 17019C0425D.
 - F. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.

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- G. Regarding sensitive environmental areas, the EcoCAT Report received on August 22, 2023 indicated “no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.”
- H. Regarding outdoor lighting on the subject property, the application received July 25, 2023, does not indicate outdoor lighting. A special condition has been added to ensure compliance for any future outdoor lighting installation.
- I. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed project.
- J. Regarding parking, there is no required parking for the proposed PV SOLAR ARRAY.
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application, **“By installing a solar array with native pollinator habitat put throughout the array it will help retain the essential character of the land for years to come.”**
 - 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 ARRAY Special Use Permit are in subparagraph 6.1.5 B.(1).
 - a. The Site Plan received August 30, 2023 appears to conform to this requirement.
 - (4) Requirements which identify certain areas where a PV SOLAR ARRAY Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).

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- a. Item 6.1.5 B.(2)a. requires a PV SOLAR ARRAY 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 77.5-acre subject property is located within one-half mile of the Village of Bondville and is within Bondville's contiguous urban growth area.
 - ii. No comments have been received from the Village of Bondville as of September 6, 2023.
 - (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. Village President John Garth acknowledged receipt of the SPECIAL USE permit application on August 25, 2023.
 - (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 Bondville has been received as of September 6, 2023.
 - ii. Notice of the September 14, 2023, ZBA public hearing was sent by P&Z Staff to the Village of Bondville on August 21, 2023.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3), but for a PV SOLAR ARRAY, the following requirements are in lieu of the requirements of Section 6.1.5B.(3):

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- 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) A signed interconnection agreement was received on August 25, 2023.
 - 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, 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 was added to rezoning Case 109-AM-23 to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.
- (8) Requirements regarding minimum separations for PV SOLAR ARRAYS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The Site Plan received August 30, 2023 shows the separation between the solar farm fence and adjacent buildings and uses to the south.
 - 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 Site Plan received August 30, 2023 indicates the fenced area will be 1,000 feet from the street centerline of IL Route 10.

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- (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is no required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.
 - i. The subject property meets 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 is approximately 1,000 feet between the PV SOLAR FARM fenced area and any adjacent LOT that is 10 acres or less in area.
 - 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 are no adjacent lots abutting more than two sides of the PV SOLAR FARM.
- (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. No adjacent lots of more than 10 acres in area have DWELLINGS or PRINCIPAL BUILDINGS.
- (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

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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 are no airports or restricted landing area facilities within 500 feet.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- i. There are no new substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
- i. P&Z Staff has verified that the inverters shown on the Site Plan received August 30, 2023, are approximately 275 feet away from the PV SOLAR FARM perimeter fence.
 - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the Site Plan received August 30, 2023:
 - (i) The closest distance between the property line and an inverter is approximately 1,350 feet.
- (i) Subparagraph 6.1.5 D.(7) states that separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the BOARD on a case-by-case basis.
- i. The application stated that the arrays will not exceed 8 feet in height.
- (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 Site Plan received August 30, 2023, shows that there is a 26 feet separation between the east and west 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:

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- a. Subparagraph 6.1.5 E.(1) requires certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.
 - (a) The Special Use Permit application packet received July 25, 2023, does not include any buildings. The data center building is independent of the solar arrays.

- 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 eight feet tall.

 - (b) Solar array height will be under eight feet.

- d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (a) The petitioner will provide warning signs.

- e. Subparagraph 6.1.5 E.(5) requires that no PV SOLAR FARM construction may intrude on any easement or right of way for a GAS PIPELINE or 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 petitioner has not provided information regarding drainage district tile on the subject property.

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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 shows an Ameren gas line within the road right-of-way on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
 - a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
 - 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. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
 - (a) No information was required or submitted for the Special Use Permit application.
 - d. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
 - (a) No information has been provided regarding possible agricultural tile on the subject property.
 - e. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
 - (a) No information was required or submitted for the Special Use Permit application.
 - f. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
 - (a) No information was required or submitted for the Special Use Permit application.
 - g. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
 - (a) No information was required or submitted for the Special Use Permit application.

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- h. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) No information was required or submitted for the Special Use Permit application.
 - i. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) No information was required or submitted for the Special Use Permit application.
 - j. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
 - (a) No information was required or submitted for the Special Use Permit application.
 - k. 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 provided ground cover specifics on the site plan received August 30, 2023.
- (11) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- a. Paragraph 6.1.5 G.(1) requires the Applicant to enter into a signed Roadway Upgrade and Maintenance agreement approved by the County Engineer and State's Attorney and/or any relevant Township Highway Commissioner prior to the close of the public hearing for the use of public streets, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.
 - (a) The petitioner submitted a haul route received August 30, 2023 that only uses state and federal highways, so no Roadway Upgrade and Maintenance Agreement is necessary. A special condition has been added regarding the haul route.
 - b. Paragraph 6.1.5 G.(2) requires that the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality.
 - (a) No information was required or submitted for the Special Use Permit application.
 - c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway Use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
 - (a) No information was required or submitted for the Special Use Permit application.

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- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
 - a. The subject property is located approximately 1,475 feet from the Bondville Fire Station.
 - b. No information was provided in the application regarding the petitioner's cooperation with the Bondville Fire Department in creating an emergency response plan for the proposed solar farm.

- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
 - a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
 - (a) A request for a waiver was added so the petitioner can provide this information at a later time.
 - 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 not considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is required.
 - (b) A request for a waiver was added so the petitioner can provide this information at a later time.

- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
 - a. The EcoCAT report received August 22, 2023 indicated no endangered species in the vicinity of the subject property.

- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
 - a. The letter from the IDNR State Historic Preservation Office received August 22, 2023 indicated no historic properties would be affected.

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

- (17) Paragraph 6.1.5 M. contains standard conditions for screening and fencing.
 - a. Subparagraph 6.1.5 M.(1) requires the PV SOLAR FARM to have perimeter fencing that is at least 7 feet tall, with Knox boxes and keys provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.

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- (a) Regarding a vegetation management plan, the petitioner has requested a waiver to provide a Landscape Plan with weed control plan at a later date.
- 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. There is one dwelling approximately 950 feet northwest of the PV SOLAR ARRAY fenced area.
 - ii. The Site Plan received August 30, 2023 indicates a line of vegetative screening along the central part of the west property line.
- (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 intends to utilize VSUN545-144BMH-DG panels which are constructed of anti-reflective coated tempered glass.
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
 - a. No information was required for the Special Use Permit application.
- (20) Paragraph 6.1.5 P. contains other standard conditions for operation of the PV SOLAR FARM.
 - a. Subparagraph 6.1.5 P.(1)c. states: “The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”
 - (a) The petitioner stated that they expect rainfall to clean the solar panels sufficiently.
 - 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

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

- (a) The petitioner has requested a waiver to provide a Landscape Plan with weed control plan at a later date.
 - (b) The type of racking for the solar modules is designed to be approximately 18 inches above grade at the low end of the module.
 - i. P&Z Staff have concerns about whether ground cover can be established and whether appropriate weed control can occur under such a low design.
 - 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. A Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY was received on August 25, 2023.
 - (b) Subparagraph 6.1.1 A.2. of the Ordinance requires that the decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any operator and/or owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
 - i. The Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25, 2023 indicates that it will comply with this requirement.

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- (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 Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25, 2023 includes cost estimates prepared by an Illinois Licensed Professional Engineer.

- (d) Subparagraph 6.1.1 A.4.d. of the Ordinance requires the Decommissioning and Site Reclamation Plan to provide for provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
 - i. The Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25, 2023 indicates the petitioner will provide a Letter of Credit.

- (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 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.

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- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
 - (a) The Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25, 2023 appears to comply with this requirement.

- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
 - (a) The Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25, 2023 appears to comply with this requirement.

- d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance. Regarding compliance with this subparagraph:
 - (a) The Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25, 2023 appears to comply with this requirement.

- e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
 - (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.

- f. Subparagraph 6.1.5 Q.(6) of the Ordinance states that the Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
 - (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.

- g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be

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submitted to the Zoning Administrator prior to any Zoning Use Permit approval.

- (a) A special condition has been added to ensure compliance.
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- a. The petitioner did not provide any information on this with their application.
 - b. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.
- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
 - (a) A Project Description was received on August 22, 2023.
 - 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 July 25, 2023, 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.

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- i. The Site Plan received August 30, 2023, demonstrates compliance with this requirement.
- (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 B.(1).
 - i. The Site Plan received August 30, 2023 appears to conform to this requirement.
- (c) The location of all below-ground wiring.
 - i. The Site Plan received August 30, 2023 appears to conform to this requirement.
- (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - i. The Site Plan received August 30, 2023 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 FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.
 - i. The Site Plan received August 30, 2023 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) Village President John Garth acknowledged receipt of the SPECIAL USE permit application on August 25, 2023.

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- 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 Bondville has been received as of September 6, 2023.
 - (b) Notice of the September 14, 2023, ZBA public hearing was sent by P&Z Staff to the Village of Bondville on August 21, 2023.
 - 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) A signed interconnection agreement was received on August 25, 2023.
 - 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 applicant has notified P&Z Staff of any changes.
 - i. Subparagraph 6.1.5 U.(2) requires that the Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction. A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) The proposed 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.
- D. Regarding the Special Flood Hazard Areas Ordinance, most of the subject property is located within a Special Flood Hazard Area.

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- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Bondville subdivision jurisdiction and appears to be in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning districts:
 - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the 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 12 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-2 district 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.
 - (2) The types of uses authorized in the AG-2 district are in fact the types of uses that have been determined to be acceptable in the AG-2 districts. Uses authorized by

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Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

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

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

- (4) Paragraph 2.0(b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. Regarding the value of nearby properties, it is not clear whether or not 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.

- (5) Paragraph 2.0(c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

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

- (6) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- a. The requested Special Use Permit location is in the mapped floodplain.
 - 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.

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c. The Decommissioning Plan received August 25, 2023, states: “Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment.”

- (7) Paragraph 2.0(e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (8) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

- (10) Paragraph 2.0(m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS,

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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 there are no structures or uses other than agriculture on the subject property.

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

The subject property is proposed to be located in the AG-2 Agriculture district and is, by definition, a rural use.

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

There are no known natural features on the subject property.

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

The subject property is proposed to be located in the AG-2 Agriculture district and is, by definition, a rural use.

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

The entire subject property is proposed to be located in the AG-2 Agriculture district and is, by definition, a rural use.

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

The Zoning Ordinance has designated the AG-2 Agriculture Zoning District as an acceptable area to develop PV SOLAR ARRAYS.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

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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 locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:
 - (1) The Village of Bondville was notified of the proposed Special Use Permit on August 21, 2023 and no comments have been received.
 - B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board:
 - (1) The petitioner continues to work on a Landscape Plan and weed control plan that is customized to the subject property.
 - C. Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board:
 - (1) The petitioner is aware of this requirement and needs more time to have the noise study done.

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

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. Without Part A of the proposed waivers, for locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality: the project could not be constructed on the subject property.
 - B. Without Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board: the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.
 - C. Without Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board: the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.

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 locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:

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- (1) The petitioner was aware of this requirement but decided to request the waiver so that the project could proceed.
- B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board:
 - (1) The petitioner continues to work on the Landscape Plan and weed control plan and will provide it as soon as possible.
- C. Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board:
 - (1) The petitioner is aware of this requirement and needs more time to have the noise study done.

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 locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality: the requested waiver is 0% of the minimum required, for a waiver of 100%.
 - (1) PV SOLAR ARRAYS are allowed in the AG-2 Agriculture ZONING DISTRICT, which is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board: the requested waiver is 0% of the minimum required, for a waiver of 100%.
 - C. Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board: the requested waiver is 0% of the minimum required, for a waiver of 100%.

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

16. Regarding the *Zoning Ordinance* requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Village of Bondville has been notified of this case and has not provided comments as of September 6, 2023.
 - B. The Scott Township Highway Commissioner and IDOT have been notified of this case, and no comments have been received.
 - C. The Bondville Fire Protection District has been notified of this case, and no comments have been received.

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- D. The Drainage District for the subject property has been notified of this case, and no comments have been received.
- E. 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:**
 - **Site Plan sheets received August 30, 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 Landscape Plan with Weed Control Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.5 M. and Section 6.1.5 P.(3) of the Zoning Ordinance.**

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

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

- F. Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:**
- 1. The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.**
 - 2. The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.**
 - 3. Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.**

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

The Special Use Permit complies with Ordinance requirements regarding road use agreements.

- 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 "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 - 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 - 5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 - 6. A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or**

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Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.

7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan per the 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 ARRAY 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 ARRAY shall comply with the following specific requirements that apply even after the PV SOLAR ARRAY goes into commercial operation:**
1. **Maintain the pollinator plantings and required visual screening in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
 4. **Maintain a current general liability policy as required by 6.1.5 O.**

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

The 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 ARRAY.

- J. **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.

- K. **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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DOCUMENTS OF RECORD

1. Applications for Map Amendment, Special Use Permits and Variance received July 25, 2023
2. Preliminary Memorandum dated September 6, 2023, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan with Erosion Control Plan received August 30, 2023 (2 sheets)
 - C 2020 aerial with floodplain and 1-foot contours prepared by P&Z Staff on August 24, 2023
 - D Letter from landowner Andrew Hatch received August 18, 2023
 - E Project Narrative received August 22, 2023
 - F EcoCAT results from IDNR received August 22, 2023
 - G IDNR Historic Preservation Office letter received August 22, 2023
 - H Decommissioning and Site Reclamation Plan received August 25, 2023
 - I Security Plan received August 25, 2023
 - J Erosion Control Plan text received August 29, 2023
 - K Haul Route received August 30, 2023
 - L Inverter specification sheets received August 22, 2023
 - M Solar module specification sheets received August 22, 2023
 - N Terrasmart solar module racking specification sheets received August 22, 2023
 - O LRMP Land Use Goals, Objectives, and Policies (available on ZBA meetings website)
 - P LRMP Appendix of Defined Terms (available on ZBA meetings website)
 - Q Right to Farm Resolution 3425
 - R Site Visit Photos taken July 31, 2023
 - S Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated September 14, 2023
 - T Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated September 14, 2023
 - U Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated September 14, 2023

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **111-S-23** held on **September 14, 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.*

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.
 - a. *Traffic volumes are not expected to increase significantly other than during construction of the project.*
 - b. *Notice was sent to IDOT and the Township Road Commissioner, and no comments have been received.*

 - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *The subject property is located approximately 1,475 feet from the Bondville Fire Station.*

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - a. *The proposed PV SOLAR ARRAY will not be disruptive to surrounding agriculture.*
 - b. *The inverters are located approximately 1,350 feet from the closest residential property.*

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *Most of the subject property is located within a mapped floodplain.*
 - b. *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, per the Storm Water Management and Erosion Control Ordinance.*

 - e. Public safety will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *The subject property is located approximately 1,475 feet from the Bondville Fire Station.*
 - b. *Notice was sent to IDOT and the Township Road Commissioner, and no comments have been received.*

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- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - a. *A PV SOLAR ARRAY does not require parking.*
 - b. *There is no significant increase in traffic expected for the proposed development.*
- 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 *{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.

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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 locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:

- (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 Village of Bondville has been notified of this case and has not provided comments as of September 6, 2023.***
- (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 Village of Bondville was notified of the proposed Special Use Permit on August 21, 2023 and no comments have been received.***
- (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 project could not be constructed on the subject property.***
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: ***the petitioner was aware of this requirement but decided to request the waiver so that the project could proceed.***
- (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: ***without the waiver, the project could not be constructed on the subject property.***

B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan 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: ***the petitioner continues to work on a Landscape Plan and weed control plan that is customized to the subject property.***

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- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: ***the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.***
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: ***the petitioner continues to work on the Landscape Plan and weed control plan and will provide it as soon as possible.***
- (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 submitting a Noise Analysis 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 is aware of this requirement and needs more time to have the noise study done.***
- (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 petitioner is aware of this requirement and needs more time to have the noise study done.***
- (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 the required materials.***
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: ***the petitioner is aware of this requirement and needs more time to have the noise study done.***
- (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.

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

- A. The approved site plan consists of the following documents:
- Site Plan sheets received August 30, 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 Landscape Plan with Weed Control Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.5 M. and Section 6.1.5 P.(3) of the Zoning Ordinance.**

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. Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:**
- 1. The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.**
 - 2. The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.**

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3. **Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.**

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

The Special Use Permit complies with Ordinance requirements regarding road use agreements.

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 "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan per the 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.

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

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

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

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

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

- J. 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.

- K. 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 **111-S-23** be {**GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED**} to the applicant, **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning district:

Authorize a PV SOLAR ARRAY with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):

Part A: A waiver for locating the PV Solar Array less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality per Section 6.1.5 B.(2)a.

Part B: A waiver for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 F.(9)a.(b).iv.

Part C: A waiver for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 I.(3).

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. The approved site plan consists of the following documents:**
 - Site Plan sheets received August 30, 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.**
- 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.**

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- E. **A Landscape Plan with Weed Control Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.5 M. and Section 6.1.5 P.(3) of the Zoning Ordinance.**

- F. **Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:**
 - 1. **The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.**

 - 2. **The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.**

 - 3. **Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.**

- 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 "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**

 - 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**

 - 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**

 - 6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**

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7. **The telephone number for the complaint hotline required by 6.1.5 S.**
 8. **Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**
- H. **A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
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 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**
- I. **The Applicant or Owner or Operator of the PV SOLAR ARRAY shall comply with the following specific requirements that apply even after the PV SOLAR ARRAY goes into commercial operation:**
1. **Maintain the pollinator plantings and required visual screening in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
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 4. **Maintain a current general liability policy as required by 6.1.5 O.**
 5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
 6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
 7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

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- J. 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.**
- K. 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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date