

CASES 099-S-23 and 100-S-23

SUPPLEMENTAL MEMORANDUM #1
OCTOBER 4, 2023

Petitioner: Champaign Solar 1 LLC and Champaign Solar 1b LLC, subsidiaries of Pivot Energy Development LLC, with CEO Tom Hunt; via agent Merrill Read, and participating landowner JHBLT LLC

Request: Case 099-S-23

Authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

Part B: A waiver for a separation distance of 42 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

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

Other waivers may be necessary.

Case 100-S-23

Authorize a second Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

Part B: A waiver for a separation distance of 10 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

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

Other waivers may be necessary.

**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 90-acre tract of land west of the Canadian National Railroad in the Southeast Quarter of Section 34, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township, and commonly known as farmland owned by JHBLT LLC on the north side of CR 0N.

Site Area: site 1: 35.2 acres, site 1b: 26.7 acres = 61.9 acres of a 90-acre tract

Time Schedule for Development: As soon as possible

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

STATUS

These cases were continued from the July 13, 2023 ZBA meeting. At that meeting, Elizabeth Reddington, agent for Pivot Energy, said that a drainage tile study was underway and that they were waiting for the final report. The Board indicated that they would like to see any Drainage District tiles identified on the Site Plan prior to proceeding with a final determination.

On September 27, 2023, P&Z Staff received a set of documents from Pivot Energy:

- Cover letter (Attachment B)
- Revised DSRP for southern site 1 (Attachment C)
- Revised DSRP for northern site 1b (Attachment D)
- Drain Tile Survey (Attachment E)
- Cable Management System specification sheets (Attachment F)
- Revised Site Plan for southern site 1 (Attachment G)
- Revised Site Plan for northern site 1b (Attachment H)

REVISED SITE PLANS BASED ON DRAINAGE TILE SURVEY

The revised Site Plans in Attachments G and H show the location of the arrays being unchanged from the preliminary Site Plans received April 14, 2023. The revised Site Plans also show the location of all tiles that were identified in the Drain Tile Survey (Attachment E). As stated in the cover letter (Attachment B), Pivot Energy sent these documents to the Pesotum Drainage District for their review. P&Z Staff have not received comments from the Drainage District.

P&Z Staff created a map that highlights the mutual drains from the tile study with the solar arrays from the site plans (Attachment I). There are several areas where the proposed array locations overlap mutual or District drainage tiles.

Pivot Energy proposed a cable management system to reduce the amount of trenching. Specification sheets for the cable management system can be found in Attachment F.

REVISED DECOMMISSIONING AND SITE RECLAMATION PLANS

The revised DSRPs differ from the original DSRP received April 28, 2023 in the following ways:

- Page 5: Adds references to parts of Section 6.1.5 Q. of the Zoning Ordinance that were not included in the original DSRPs

- Page 10: Increased cost of decommissioning activities and net decommissioning cost
- Cost estimates page: Increased cost to remove solar panels from \$2.80 per panel to \$5.27 per panel, which is the average P&Z Staff calculated from all prior DSRPs received for other solar projects
- Cost estimates page: Added 2.5% County administrative cost

With these changes, P&Z Staff find the DSRPs to be reasonable compared to DSRPs received from other solar projects.

PROPOSED SPECIAL CONDITIONS - **REVISED**

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

- Site Plan received ~~April 14~~September 27, 2023.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 6. *(Note: not needed if a waiver is received)* **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
 7. **The telephone number for the complaint hotline required by 6.1.5 S.**
 8. **Any updates to the approved Site Plan from Case 099-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

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

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

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

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

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

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

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

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

That drainage district tiles are protected.

- M. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended August 18, 2022.**

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

That the current version of the Zoning Ordinance has been referenced.

ATTACHMENTS

- A Legal advertisement
- B Cover letter received September 27, 2023
- C Revised DSRP for southern site 1 received September 27, 2023
- D Revised DSRP for northern site 1b received September 27, 2023
- E Drain Tile Survey received September 27, 2023
- F Cable Management System specification sheets received September 27, 2023
- G Revised Site plan for southern site 1 received September 27, 2023
- H Revised Site Plan for northern site 1b received September 27, 2023
- I Annotated Site Plan with Mutual Drainage Tiles created by P&Z Staff on September 29, 2023
- J Case 099-S-23 Revised Summary of Evidence, Summary Finding of Fact and Final Determination dated October 12, 2023
- K Case 200-S-23 Revised Summary of Evidence, Summary Finding of Fact and Final Determination dated October 12, 2023

LEGAL PUBLICATION: WEDNESDAY, JUNE 28, 2023

CASES: 099-S-23 & 100-S-23

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

CASES: 099-S-23 & 100-S-23

Champaign Solar 1 LLC, 1601 Wewatta St, Suite 700, Denver, CO 80202, a subsidiary of Pivot Energy Development LLC, with CEO Tom Hunt; via agent Merrill Read, and participating landowner JHBLT LLC, 305 E Sale St, Tuscola, IL 61953, have filed petition for two Special Use Permit with Waivers under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, July 13, 2023, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

Case 099-S-23

Authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

Part B: A waiver for a fence that is less than 10 feet from the side property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b.

Part C: A waiver for a separation distance of 42 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

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

Other waivers may be necessary.

Case 100-S-23

Authorize a second Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

Part B: A waiver for a separation distance of 10 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

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

On the following subject property:

A 90-acre tract of land west of the Canadian National Railroad in the Southeast Quarter of Section 34, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township, and commonly known as farmland owned by JHBLT LLC on the north side of CR 0N.

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

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, JUNE 28, 2023 ONLY

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

Our News Gazette account number is 99225860.

September 27, 2023

Ms. Susan Burgstrom
Senior Planner
Champaign County
1776 E Washington St
Urbana, IL 61802

RECEIVED

SEP 27, 2023

CHAMPAIGN COUNTY
PLANNING & ZONING

RE: Champaign Solar 1 LLC and Champaign Solar 1b LLC October 12, 2023 Hearing

Dear Ms. Burgstrom:

Thank you for coordinating the tabled hearing for Champaign Solar 1 LLC and Champaign Solar 1b LLC. Below is a list of documents that we would like to include for the next discussion, based on the recommendation from the Zoning Board during the July 13, 2023 Champaign County Zoning Board of Appeals Public Hearing.

1. Decommissioning Plan Revision– Champaign Solar 1 LLC
2. Decommissioning Plan Revision – Champaign Solar 1b LLC
3. Drain Tile Survey – Parcel 18-32-34-400-001
4. Product Specifications – Cable Management System
5. Site Plan Revision – Champaign Solar 1 LLC
6. Site Plan Revision – Champaign Solar 1b LLC

In regard to the Pesotum Drainage District (“District”), we have concluded our drain tile survey and coordinated correspondence with District Commissioners and their Attorney. Pivot Energy had Huddleston McBride conduct the drain tile survey. Additionally, our engineers overlaid our proposed site plans with the drain tile survey to see where overlap is currently proposed. The site plans, survey, and product specifications were sent to the District on August 22, 2023. Options for cable management were provided to the District at that time, along with an explanation of how to identify the location of tiles. Prior to construction, the drain tiles will be flagged out and the arrays will be situated to not hit any of the tiles. We will use the CAB system (attached) to significantly reduce trenching and avoid using DC combiners so that all homeruns go directly to the inverters and will be above ground. In addition, for the MV run next to the proposed access road, one option we proposed is a snake tray (brochure attached) where we're able to bring the cables up and over the existing tile, or we could lay the run underneath the tile so that one would still have easy access to the tile.

Please let us know if there are further questions we can address prior to the October 12, 2023 Zoning Board of Appeals hearing. If you have any questions, please do not hesitate to contact me at (248) 892-4247, or by email at lreddington@pivotenergy.net.

Sincerely,

Liz Reddington
Director of Development
Pivot Energy

CHAMPAIGN SOLAR 1 LLC PROJECT 5 MW (AC) SOLAR FACILITY DECOMMISSIONING AND SITE RECLAMATION PLAN

**E County Rd 1550 N,
Tuscola, IL 61953**



Prepared For:

Pivot Energy
1601 Wewatta St,
Suite 700,
Denver, CO 80202

Prepared By:

TRC
230 West Monroe Street
Suite 1840
Chicago, IL 60606

P/N: 540189.0000

July 2023

RECEIVED

SEP 27, 2023

CHAMPAIGN COUNTY
PLANNING & ZONING

Table of Contents

BACKGROUND 3

Owner/Operator 3

Facility Description..... 3

DECOMMISSIONING ACTIVITIES..... 4

Decommissioning Requirements 4

Schedule..... 5

Decommissioning During Construction (Abandonment of Project) 5

Decommissioning After Ceasing Operation 5

Offsite Impacts During Decommissioning 5

Dismantlement and Demolition 6

Disposal or Recycle..... 7

Removal of Landscape Materials and Site Stabilization 7

PERMITTING REQUIREMENTS FOR DECOMMISSIONING 8

SOLAR DECOMMISSIONING ESTIMATE 8

Champaign Solar 1 LLC

BACKGROUND

On behalf of Pivot Energy (Developer) and Champaign Solar 1 LLC (Operator/Owner), TRC has prepared this decommissioning plan and cost estimate (the Plan) for the Champaign Solar 1 facility (Facility), a photovoltaic (PV) facility, Solar Energy System (SES) or PV Solar Farm (Solar Farm) located on E County Rd 1550 N in Tuscola township in Champaign County, Illinois. The project site is located north of N 1450 E Rd and east of County Rd 950 E. The facility will consist of a 5-megawatt (MW) alternating current (AC) solar electrical array covering a total area of approximately 35 acres of an 89-acre parcel of agricultural land. The Facility will include ground-mounted, solar arrays, perimeter security fencing, concrete pads for transformers and switch gears, and a gravel access road. The Solar Farm will produce power using PV panels, mounted on ground support galvanized piles.

The purpose of this Plan is to provide the general scope of decommissioning work as well as a construction cost estimate for a decommissioning assurance mechanism of the Facility as described herein and subject to the Champaign County Zoning Ordinance, amended 08/18/2022 (Ordinance). This document outlines the decommissioning activities required to remove above-ground structures, debris, underground foundations, and cables and restore soil and vegetation after termination of operations of the solar farm. This decommissioning plan and cost estimate has been prepared in accordance with the Champaign County Zoning Ordinance for approval of the solar farm.

An attached estimate of decommissioning cost estimate was prepared under the supervision of a professional engineer licensed in Illinois. The opinion of probable costs is based on estimated quantities of site features, panels, racking, and electrical equipment from the conceptual layout and experience in the design and construction of energy facilities and are subject to final engineering. Costs generally include contractor fees, sitework removal & restoration, racking & module removal, power conditioning equipment removal, and corresponding salvage, which reflect the overall decommissioning process. The reported costs include labor, materials, taxes, insurance, transport costs, disposal fees, equipment rental, contractor's overhead, and contractor's profit; the labor costs have been estimated using regional labor rates and labor efficiencies from the Bureau of Labor statistics along with previous decommission plan estimates completed for other similar projects.

Owner/Operator

Champaign Solar 1 LLC will be responsible for the ensuring completion of final civil and electrical engineering plans. TRC is the consultant responsible for the preparation of this independent decommissioning plan and cost estimate.

Facility Description

The Facility will consist of a 5 MW AC solar electricity generating facility with associated equipment which covers a total area of approximately 35 acres of an 89-acre parcel of agricultural land. The Facility will be secured within a security fence surrounding the solar panels and electrical equipment. The site can be accessed via lock-controlled gates located on the proposed gravel access road. The Facility will include the following site features:

Champaign Solar 1 LLC

- Total site development area with solar panels, associated electrical equipment, racking, and gravel access road of approximately 35 acres (fenced area with approximately 10,776 solar panels);
- One (1) - concrete electrical pad with a transformer, mounted inverter boxes, and switchgears;
- 20-foot wide gravel access road and turnaround;
- Seven (7)-foot chain-link Security fencing (encasing entire project area);
- Above-ground electrical wire conduits; and
- Underground electrical wire conduits.

DECOMMISSIONING ACTIVITIES

The Facility will be decommissioned by completing the following major steps:

1. Removal of modules, racking, and piles;
2. Removal of cabling, trays, and electrical equipment;
3. Removal of concrete pads, foundations, and debris;
4. Removal of the gravel access roads (if required by the landowner);
5. Site stabilization by placing soil and reseeding; and
6. Removal and Disposal or Recycling of materials

The procedures for decommissioning of the project will involve restoring soils and vegetation to agricultural productivity.

Decommissioning Requirements

Champaign Solar 1 LLC shall notify Champaign County by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of proceeding.

Champaign Solar 1 LLC agrees that the transfer of the applicant's financial interest in the Champaign Solar 1 facility shall in no way affect or change Champaign Solar 1 LLC'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 Champaign Solar 1 facility.

Champaign County and its authorized representatives have the right of entry onto the Champaign Solar 1 facility premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

At the time decommissioning takes place, all parties of the decommissioning and site reclamation plan are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority

Champaign Solar 1 LLC

All parties of the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

All parties of the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the Champaign Solar 1 facility or prior to ceasing production of electricity from the Champaign Solar 1, 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.

Champaign Solar 1 LLC shall provide financial assurance in the form of an irrevocable letter of credit in accordance with the Ordinance Section 6.1.5.Q.(4)

The PV SOLAR FARM SPECIAL USE Permit shall be deemed void should the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction in accordance with the Ordinance Section 6.1.5.Q.(3) k.

The Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance in accordance with the Ordinance Section 6.1.5.Q.(3) l.

The liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of financial assurance in accordance with the Ordinance Section 6.1.5.Q.(3) m.

Schedule

The decommissioning process is estimated to take approximately two (2) months but may change depending on weather and soil moisture conditions and is intended to occur outside of the winter season. All of the activities will be conducted simultaneously when possible. It is expected that final seeding will require 2 to 4 months to establish adequate coverage and erosion control.

Decommissioning During Construction (Abandonment of Project)

If construction or operation activities cease prior to facility completion, with no expectation to restart for more than six (6) months, the project would be decommissioned as follows in this plan. Any installed components will be removed and managed, as per the following sections, and the site will be restored to a vegetated condition.

Decommissioning After Ceasing Operation

Properly maintained photovoltaic (PV) panels have an expected lifespan of thirty-five (35) years or more. At this time or if the facility has not been in operation and stops producing energy for a period of six (6) consecutive months, it shall be considered a "cessation or abandonment of operations." Installed components will be removed and reused/recycled where possible, and the

Champaign Solar 1 LLC

site restored in accordance with the activities discussed below. Champaign County shall have access to the project and to the funds to effect or complete decommissioning in the event an applicant, owner, or operator fails to complete decommissioning activities as directed by the Ordinance. which may result in the referral to the Champaign County's Zoning Administration. Champaign County shall also have the right to draw on the funds in accordance with Ordinance Section 6.1.1.A.(9) and Section 6.1.5.Q.(5). Champaign County shall have the right to transfer applicable solar development material, if abandoned by the owner, to a salvage firm.

Offsite Impacts During Decommissioning

As with the project's construction, noise levels during the decommission work will increase. Proper steps will be followed to minimize the disturbance, such as using proper equipment for removing the support piles. Work hours are assumed to be eight (8) hours a day, during daylight. Also, as with the project's construction, road traffic in the area may increase temporarily due to crews and equipment movements. Further details of the on-site restoration are included in subsequent sections.

Champaign Solar 1 LLC

Dismantlement and Demolition

All decommissioning and Site Reclamation activities shall be done in accordance with the Ordinance Section 6.1.5.Q.(3)

Decommissioning shall include removal of all solar electric systems, buildings, ballasts, cabling, electrical components, roads, foundations, pilings, and any other associated facilities. This will include removal of all items identified in the decommissioning activities above.

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

The owner or operator shall notify the Champaign County Board of the proposed date of discontinued operations and plans for removal at least six (6) months prior to beginning decommissioning activities. The owner shall complete decommissioning activities within six (6) months.

Following coordination with the local utility company regarding timing and required procedures for disconnecting the Facility from the utility, all electrical connections to the system 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. Then panels, inverters, transformers, meters, fans, lighting fixtures, and other electrical structures will be removed. Disposal of these materials at a landfill will be governed by state and local laws, including the Code of Illinois Regulations governing waste disposal at local area landfills, which may be amended from time to time. Any materials deemed to be hazardous at the time of disposal will be handled and disposed according to applicable laws and regulations.

The PV mounting system framework will be dismantled and recycled. The galvanized support piles will be completely removed and recycled.

Finally, all associated structures will be demolished and removed from the site for recycling or disposal. This will include the site fence, gates, access roads, equipment foundations, and underground cables; which will likely be removed or recycled.

Consultation with the landowner will determine if the access roads should be left in place for their continued use. If the access road is deemed unnecessary, the contractor will remove the access roads and all non-adaptable parts of the project to a minimum depth of 60" and restore this area with native soils and seeding. All concrete associated with the Facility on-site will be broken and removed in its entirety, and clean concrete will be crushed and disposed of or recycled off-site. Final stabilization thresholds on the entire site shall be met prior to approval of site decommissioning. Underground conduits and raceways are to be removed. Above ground lines and poles that are not owned by the utility will be removed, along with associated equipment (isolation switches, fuses, metering) and holes will be filled with clean topsoil. Temporary sanitary facilities will be provided on-site for the workers conducting the decommissioning of the Facility.

Champaign Solar 1 LLC

Erosion and sediment control measures are required during the decommissioning process. These measures include construction access, silt fence, concrete washout stations, and land stabilization. The owner/operator will restore the project location to a vegetated condition consistent with pre-construction conditions.

Disposal or Recycle

During the decommissioning phase, a variety of excess materials can be salvaged. A significant amount of the materials used in a solar facility are reusable, including copper, aluminum, galvanized steel, and the PV panels. Due to their resale monetary value, these components will be dismantled and disassembled rather than being demolished and disposed. Any remaining materials will be removed and disposed of off-site at an appropriate facility. The project general contractor will maximize recycling and reuse and will work with manufacturers, local subcontractors and waste firms to segregate material to be recycled, reused and/or disposed of properly.

The project developer will be responsible for arranging the collection or recycling of fence, racking piles, PV panels, panel tracker equipment, AC and DC wiring, inverters, and miscellaneous equipment for salvage value.

Gravel may be reused as general fill on site with landowner approval. Remaining gravel, geotextile fabric, concrete, and debris need to be separated and transported off-site by truck to the appropriate facilities for recycling and disposal in accordance with federal, state, and local waste management regulations.

A final site walkthrough with the appropriate local authorities will be conducted to verify removal of debris and/or trash generated within the site during the decommissioning process and will include removal and proper disposal of any debris that may have been wind-blown to areas outside the immediate footprint of the facility being removed.

Removal of Landscape Materials and Site Stabilization

The areas of the Facility that are disturbed (during decommissioning) will be subject to minor re-grading (no imported soil is anticipated), to establish a uniform slope and stabilization, including application of a selected grass seed mix to surfaces disturbed (estimated to be less than 50% of the site) during the decommissioning process. The seed mix is expected to be a blend of various fescue and/or rye grass seeds. The actual seed blend will depend on factors including availability and time of year that planting would occur.

The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original Champaign Solar 1 construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade. A qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill any concrete foundation excavations are of equal or greater quality than the native soils, unless excavated native soils are stored for backfill.

Champaign Solar 1 LLC

An Illinois Licensed Professional Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

It is expected that soil and vegetation will be restored to pre-decommissioning conditions. Details will be discussed with the property owner, the Champaign Board, and the Champaign County Soil and Water Conservation District. Planting trees, shrubs, and other woody vegetation (re-forestation) or other beautification are not expected to be required and are not included in the costs. It is assumed that major site grading activities are not proposed as part of the project. Imported fill will be provided, if necessary, to restore to original conditions. Only minor grading is anticipated with regards to site restoration (from construction, demolition, and traffic damage) and access drives removal. All site stabilization activities will be completed in accordance with regulatory requirements and the approved Storm Water Pollution Prevention Plan (SWPPP) and NPDES Construction General Permit.

PERMITTING REQUIREMENTS FOR DECOMMISSIONING

Approvals are currently required prior to initiation of ground-disturbing activity. This cost estimate assumes the same approvals are required when decommissioning occurs in the future. The permitting requirements listed below will be reviewed and might be subject to revisions based on local, state, and federal regulations at the time of decommissioning.

National Pollutant Discharge Elimination System (NPDES) Construction General Permit

U.S. Environmental Protection Agency - Ground disturbance of greater than 1 acre requires preparation of a Storm Water Pollution Prevention Plan, including erosion and sedimentation controls.

Building Permit

A building permit is required to construct the facility. A building permit must also be obtained for any construction, alteration, repair, demolition, or change to the use or occupancy of a building.

Permit Requirement Assumptions

No significant ground disturbance or grading associated with decommissioning, including temporary laydown areas, are required within areas subject to additional local, state, or federal permitting.

SOLAR DECOMMISSIONING ESTIMATE

The following items can be salvaged and recycled: fence material, racking piles, PV panels, miscellaneous tracker equipment, AC and DC wiring, combiner boxes, inverters, transformers, medium voltage equipment, electrical equipment posts, and customer owned utility poles.

The decommissioning cost estimate is based on 2023 Champaign County prevailing labor rates equipment rates and credits for salvaging project material using an average material price index over the last 5 years. The salvage value and equipment rates have been estimated using publicly available data from FEMA published Schedule of Equipment Rates. The salvage value rates have

Champaign Solar 1 LLC

been estimated using publicly available data (e.g., <http://fred.stlouisfed.org>), as well as industry provided actual salvage values and previous experience with similar projects. Five-year average salvage values were calculated based on price index interpolation.

The estimated costs utilize hourly and monthly rates listed below:

2023 Wages

- Labor at \$33.37/hr;
- Operating engineer at \$46.85/hr;
- Truck driver at \$45.27/hr;
- Electrician at \$50.66/hr;
- Skid steer rental at \$2,350.00/month;
- Excavator rental at \$4,925.00/month; and
- Dump truck rental at \$52.96/hr

2023 Salvage Values

- Steel (e.g., fence, racking, posts) at \$0.14/lb.;
- PV panels at \$5/panel;
- Electrical components (e.g., combiner boxes, inverters, transformer) at \$0.28/lb.;
- DC wiring (copper) at \$1.3/lb.; and
- AC wiring (copper and aluminum) at \$1.14/lb.

The estimated cost of construction activities associated with decommissioning using current wages is \$420,118. The material salvage value is \$126,720, 70% of which (\$88,704) is available as a decommissioning cost credit. The net decommissioning cost, accounting for 70% salvage value is estimated to be \$331,414. The detailed costs are attached.

Champaign Solar 1 LLC

The attached preliminary decommissioning cost estimate is based on the construction development set created by Pivot Energy on September 27, 2022. Changes to the plans and construction may affect the scope and costs of Facility decommissioning. If required by the county, final decommissioning costs should be revised based on "As-Built" plans. The attached decommissioning cost estimate was prepared under the supervision of a registered professional engineer in the state of Illinois. The opinion of probable costs is based on experience in the design and construction of energy facilities and are subject to final engineering/construction.

If at any time in the future, the prevailing professionally accepted standards of economic feasibility of recycling and or environmental implications of hazardous waste changes to increase the costs associated with decommissioning, the cost estimate will be revised, and the bonds will need to be modified accordingly to cover said cost.

This opinion assumes a third-party contractor, experienced in the construction and decommissioning of photovoltaic facilities will lead the effort. The reported costs include labor materials, taxes, insurance, transport costs, equipment rental, contractor's overhead, and contractor's profit; the labor costs have been estimated using regional labor rates and labor efficiencies from the United States Department of Agriculture (USDA) /the US Bureau of labor statistics for construction workers in 2023 along with previous decommissioning plan estimates completed for other similar projects.

Champaign Solar 1 LLC, by its duly authorized representative's signature below, hereby acknowledges that it has reviewed this Decommissioning and Site Reclamation Plan, and approves of the same, and agrees to be bound by the terms and conditions contained therein.

Authorized Representative: 

Print Name: Elizabeth Riddington

Title: Vice President of Development

Date: 7/31/2023

Champaign Solar 1

Decommissioning Cost Estimate

Task	Unit	Estimated Quantity	Cost per Unit 2023	Total Gross Cost 2023	Salvage Value 2023	Net Costs 2023
Engineering & Permitting	LS	1	\$ 11,250.00	\$ 11,250.00		\$ 11,250.00
Mobilization	LS	1	\$ 28,294.00	\$ 28,294.00		\$ 28,294.00
Silt Fence	LF	4,940	\$ 2.70	\$ 13,338.00		\$ 13,338.00
Access Road Removal & Restoration	SF	8,960	\$ 3.50	\$ 31,360.00		\$ 31,360.00
Equipment Pad & Restoration	EA	1	\$ 900.00	\$ 900.00		\$ 900.00
Seed Disturbed Areas (50% disturbed area)	AC	18.5	\$ 949.00	\$ 17,556.50		\$ 17,556.50
Fence Removal	LF	4,940	\$ 2.30	\$ 11,362.00	\$ (3,430.34)	\$ 7,931.66
Site Clean Up	AC	37	\$ 260.00	\$ 9,620.00		\$ 9,620.00
Rack and Post Removal	EA	1,800	\$ 70.00	\$ 126,000.00	\$ (63,000.00)	\$ 63,000.00
Remove Panels	EA	10,776	\$ 5.27	\$ 56,755.14	\$ (51,186.00)	\$ 5,569.14
AC Wiring-Direct Burial and Overhead	LF	3,500	\$ 0.26	\$ 901.51	\$ (359.10)	\$ 542.41
DC Wire Removal	LF	104,600	\$ 0.40	\$ 41,840.00	\$ (5,439.20)	\$ 36,400.80
Electrical Disconnect	EA	1	\$ 210.00	\$ 210.00		\$ 210.00
Combiner Box	EA	17	\$ 180.00	\$ 3,060.00	\$ (209.44)	\$ 2,850.56
Inverter	EA	20	\$ 180.00	\$ 3,600.00	\$ (542.08)	\$ 3,057.92
Transformer	EA	3	\$ 500.00	\$ 1,500.00	\$ (2,553.60)	\$ (1,053.60)
SUBTOTAL				\$ 357,547.15	\$ (126,719.76)	\$ 230,827.39
Other Costs						
Contractor Profit	%	8%		\$ 28,603.77		\$ 28,603.77
Contractor Overhead & Management	%	5%		\$ 17,877.36		\$ 17,877.36
Contractor Insurance	%	2%		\$ 7,150.94		\$ 7,150.94
County Administrative Costs	%	2.5%		\$ 8,938.68		\$ 8,938.68
SUBTOTAL				\$ 62,570.75		\$ 62,570.75
DECOMMISSIONING TOTAL				\$ 420,117.90		\$ 293,398.14

*Salvage values determined linearly interpolating relative material values over a five year span, and averaging the value

**Material labor cost estimated utilizing labor rates using the posted March, 1, 2023 Knox County prevailing wage (Foreman Hourly Rate) and FEMA 2019 schedule.

CHAMPAIGN SOLAR 1B LLC PROJECT 5 MW (AC) SOLAR FACILITY DECOMMISSIONING AND SITE RECLAMATION PLAN

**E County Rd 1550 N,
Tuscola, IL 61953**



Prepared For:

Pivot Energy
1601 Wewatta St,
Suite 700,
Denver, CO 80202

Prepared By:

TRC
230 West Monroe Street
Suite 1840
Chicago, IL 60606

P/N: 540189.0000

July 2023

RECEIVED

SEP 27, 2023

CHAMPAIGN COUNTY
PLANNING & ZONING

Table of Contents

BACKGROUND..... 3

Owner/Operator 3

Facility Description 3

DECOMMISSIONING ACTIVITIES..... 4

Decommissioning Requirements 4

Schedule 5

Decommissioning During Construction (Abandonment of Project) 5

Decommissioning After Ceasing Operation 5

Offsite Impacts During Decommissioning..... 5

Dismantlement and Demolition 6

Disposal or Recycle 7

Removal of Landscape Materials and Site Stabilization:..... 7

PERMITTING REQUIREMENTS FOR DECOMMISSIONING..... 8

SOLAR DECOMMISSIONING ESTIMATE 8

Champaign Solar 1B LLC

BACKGROUND

On behalf of Pivot Energy (Developer) and Champaign Solar 1B LLC (Operator/Owner), TRC has prepared this decommissioning plan and cost estimate (the Plan) for the Champaign Solar 1B facility (Facility), a photovoltaic (PV) facility, Solar Energy System (SES) or PV Solar Farm (Solar Farm) located on E County Rd 1550 N in Tuscola township in Champaign County, Illinois. The project site is located north of N 1450 E Rd and east of County Rd 950 E. The facility will consist of a 5-megawatt (MW) alternating current (AC) solar electrical array covering a total area of approximately 27 acres of an 89-acre parcel of agricultural land. The Facility will include ground-mounted, solar arrays, perimeter security fencing, concrete pads for transformers and switch gears, and a gravel access road. The Solar Farm will produce power using PV panels, mounted on ground support galvanized piles.

The purpose of this Plan is to provide the general scope of decommissioning work as well as a construction cost estimate for a decommissioning assurance mechanism of the Facility as described herein and subject to the Champaign County Zoning Ordinance, amended 08/18/2022 (Ordinance). This document outlines the decommissioning activities required to remove above-ground structures, debris, underground foundations, and cables and restore soil and vegetation after termination of operations of the solar farm. This decommissioning plan and cost estimate has been prepared in accordance with the Champaign County Zoning Ordinance for approval of the solar farm.

An attached estimate of decommissioning cost estimate was prepared under the supervision of a professional engineer licensed in Illinois. The opinion of probable costs is based on estimated quantities of site features, panels, racking, and electrical equipment from the conceptual layout and experience in the design and construction of energy facilities and are subject to final engineering. Costs generally include contractor fees, sitework removal & restoration, racking & module removal, power conditioning equipment removal, and corresponding salvage, which reflect the overall decommissioning process. The reported costs include labor, materials, taxes, insurance, transport costs, disposal fees, equipment rental, contractor's overhead, and contractor's profit; the labor costs have been estimated using regional labor rates and labor efficiencies from the Bureau of Labor statistics along with previous decommission plan estimates completed for other similar projects.

Owner/Operator

Champaign Solar 1B LLC will be responsible for the ensuring completion of final civil and electrical engineering plans. TRC is the consultant responsible for the preparation of this independent decommissioning plan and cost estimate.

Facility Description

The Facility will consist of a 5 MW AC solar electricity generating facility with associated equipment which covers a total area of approximately 27 acres of an 89-acre parcel of agricultural land. The Facility will be secured within a security fence surrounding the solar panels and electrical equipment. The site can be accessed via lock-controlled gates located on the proposed gravel access road. The Facility will include the following site features:

Champaign Solar 1B LLC

- Total site development area with solar panels, associated electrical equipment, racking, and gravel access road of approximately 27 acres (fenced area with approximately 10,776 solar panels);
- One (1) - concrete electrical pad with a transformer, mounted inverter boxes, and switchgears;
- 20-foot wide gravel access road and turnaround;
- Seven (7)-foot chain-link Security fencing (encasing entire project area);
- Above-ground electrical wire conduits; and
- Underground electrical wire conduits.

DECOMMISSIONING ACTIVITIES

The Facility will be decommissioned by completing the following major steps:

1. Removal of modules, racking, and piles;
2. Removal of cabling, trays, and electrical equipment;
3. Removal of concrete pads, foundations, and debris;
4. Removal of the gravel access roads (if required by the landowner);
5. Site stabilization by placing soil and reseeding; and
6. Removal and Disposal or Recycling of materials

The procedures for decommissioning of the project will involve restoring soils and vegetation to agricultural productivity.

Decommissioning Requirements

Champaign Solar 1B LLC shall notify Champaign County by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of proceeding.

Champaign Solar 1B LLC agrees that the transfer of the applicant's financial interest in the Champaign Solar 1B facility shall in no way affect or change Champaign Solar 1B LLC'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 Champaign Solar 1B facility.

Champaign County and its authorized representatives have the right of entry onto the Champaign Solar 1B facility premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

At the time decommissioning takes place, all parties of the decommissioning and site reclamation plan are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.

Champaign Solar 1B LLC

All parties of the decommissioning and site reclamation plan shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

All parties of the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the Champaign Solar 1B facility or prior to ceasing production of electricity from the Champaign Solar 1B, 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.

Champaign Solar 1B LLC shall provide financial assurance in the form of an irrevocable letter of credit in accordance with the Ordinance Section 6.1.5.Q.(4)

The PV SOLAR FARM SPECIAL USE Permit shall be deemed void should the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction in accordance with the Ordinance Section 6.1.5.Q.(3) k.

The Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance in accordance with the Ordinance Section 6.1.5.Q.(3) l.

The liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of financial assurance in accordance with the Ordinance Section 6.1.5.Q.(3) m.

Schedule

The decommissioning process is estimated to take approximately two (2) months but may change depending on weather and soil moisture conditions and is intended to occur outside of the winter season. All of the activities will be conducted simultaneously when possible. It is expected that final seeding will require 2 to 4 months to establish adequate coverage and erosion control.

Decommissioning During Construction (Abandonment of Project)

If construction or operation activities cease prior to facility completion, with no expectation to restart for more than six (6) months, the project would be decommissioned as follows in this plan. Any installed components will be removed and managed, as per the following sections, and the site will be restored to a vegetated condition.

Decommissioning After Ceasing Operation

Properly maintained photovoltaic (PV) panels have an expected lifespan of thirty-five (35) years or more. At this time or if the facility has not been in operation and stops producing energy for a period of six (6) consecutive months, it shall be considered a "cessation or abandonment of operations." Installed components will be removed and reused/recycled where possible, and the

Champaign Solar 1B LLC

site restored in accordance with the activities discussed below. Champaign County shall have access to the project and to the funds to effect or complete decommissioning in the event an applicant, owner, or operator fails to complete decommissioning activities as directed by the Ordinance which may result in the referral to the Champaign County's Zoning Administration. Champaign County shall also have the right to draw on the funds in accordance with Ordinance Section 6.1.1.A.(9) and Section 6.1.5.Q.(5). Champaign County shall have the right to transfer applicable solar development material, if abandoned by the owner, to a salvage firm.

Offsite Impacts During Decommissioning

As with the project's construction, noise levels during the decommission work will increase. Proper steps will be followed to minimize the disturbance, such as using proper equipment for removing the support piles. Work hours are assumed to be eight (8) hours a day, during daylight. Also, as with the project's construction, road traffic in the area may increase temporarily due to crews and equipment movements. Further details of the on-site restoration are included in subsequent sections.

Champaign Solar 1B LLC

Dismantlement and Demolition

All decommissioning and Site Reclamation activities shall be done in accordance with the Ordinance Section 6.1.5.Q.(3)

Decommissioning shall include removal of all solar electric systems, buildings, ballasts, cabling, electrical components, roads, foundations, pilings, and any other associated facilities. This will include removal of all items identified in the decommissioning activities above.

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

The owner or operator shall notify the Champaign County Board of the proposed date of discontinued operations and plans for removal at least six (6) months prior to beginning decommissioning activities. The owner shall complete decommissioning activities within six (6) months.

Following coordination with the local utility company regarding timing and required procedures for disconnecting the Facility from the utility, all electrical connections to the system 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. Then panels, inverters, transformers, meters, fans, lighting fixtures, and other electrical structures will be removed. Disposal of these materials at a landfill will be governed by state and local laws, including the Code of Illinois Regulations governing waste disposal at local area landfills, which may be amended from time to time. Any materials deemed to be hazardous at the time of disposal will be handled and disposed according to applicable laws and regulations.

The PV mounting system framework will be dismantled and recycled. The galvanized support piles will be completely removed and recycled.

Finally, all associated structures will be demolished and removed from the site for recycling or disposal. This will include the site fence, gates, access roads, equipment foundations, and underground cables; which will likely be removed or recycled.

Consultation with the landowner will determine if the access roads should be left in place for their continued use. If the access road is deemed unnecessary, the contractor will remove the access roads and all non-adaptable parts of the project to a minimum depth of 60" and restore this area with native soils and seeding. All concrete associated with the Facility on-site will be broken and removed in its entirety, and clean concrete will be crushed and disposed of or recycled off-site. Final stabilization thresholds on the entire site shall be met prior to approval of site decommissioning. Underground conduits and raceways are to be removed. Above ground lines and poles that are not owned by the utility will be removed, along with associated equipment (isolation switches, fuses, metering) and holes will be filled with clean topsoil. Temporary sanitary facilities will be provided on-site for the workers conducting the decommissioning of the Facility.

Champaign Solar 1B LLC

Erosion and sediment control measures are required during the decommissioning process. These measures include construction access, silt fence, concrete washout stations, and land stabilization. The owner/operator will restore the project location to a vegetated condition consistent with pre-construction conditions.

Disposal or Recycle

During the decommissioning phase, a variety of excess materials can be salvaged. A significant amount of the materials used in a solar facility are reusable, including copper, aluminum, galvanized steel, and the PV panels. Due to their resale monetary value, these components will be dismantled and disassembled rather than being demolished and disposed. Any remaining materials will be removed and disposed of off-site at an appropriate facility. The project general contractor will maximize recycling and reuse and will work with manufacturers, local subcontractors and waste firms to segregate material to be recycled, reused and/or disposed of properly.

The project developer will be responsible for arranging the collection or recycling of fence, racking piles, PV panels, panel tracker equipment, AC and DC wiring, inverters, and miscellaneous equipment for salvage value.

Gravel may be reused as general fill on site with landowner approval. Remaining gravel, geotextile fabric, concrete, and debris need to be separated and transported off-site by truck to the appropriate facilities for recycling and disposal in accordance with federal, state, and local waste management regulations.

A final site walkthrough with the appropriate local authorities will be conducted to verify removal of debris and/or trash generated within the site during the decommissioning process and will include removal and proper disposal of any debris that may have been wind-blown to areas outside the immediate footprint of the facility being removed.

Removal of Landscape Materials and Site Stabilization:

The areas of the Facility that are disturbed (during decommissioning) will be subject to minor re-grading (no imported soil is anticipated), to establish a uniform slope and stabilization, including application of a selected grass seed mix to surfaces disturbed (estimated to be less than 50% of the site) during the decommissioning process. The seed mix is expected to be a blend of various fescue and/or rye grass seeds. The actual seed blend will depend on factors including availability and time of year that planting would occur.

The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original Champaign Solar 1B construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade. A qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill any concrete foundation excavations are of equal or greater quality than the native soils, unless excavated native soils are stored for backfill.

Champaign Solar 1B LLC

An Illinois Licensed Professional Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

It is expected that soil and vegetation will be restored to pre-decommissioning conditions. Details will be discussed with the property owner, the Champaign Board, and the Champaign County Soil and Water Conservation District. Planting trees, shrubs, and other woody vegetation (re-forestation) or other beautification are not expected to be required and are not included in the costs. It is assumed that major site grading activities are not proposed as part of the project. Imported fill will be provided, if necessary, to restore to original conditions. Only minor grading is anticipated with regards to site restoration (from construction, demolition, and traffic damage) and access drives removal. All site stabilization activities will be completed in accordance with regulatory requirements and the approved Storm Water Pollution Prevention Plan (SWPPP) and NPDES Construction General Permit.

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Approvals are currently required prior to initiation of ground-disturbing activity. This cost estimate assumes the same approvals are required when decommissioning occurs in the future. The permitting requirements listed below will be reviewed and might be subject to revisions based on local, state, and federal regulations at the time of decommissioning.

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SOLAR DECOMMISSIONING ESTIMATE

The following items can be salvaged and recycled: fence material, racking piles, PV panels, miscellaneous tracker equipment, AC and DC wiring, combiner boxes, inverters, transformers, medium voltage equipment, electrical equipment posts, and customer owned utility poles.

The decommissioning cost estimate is based on 2023 Champaign County prevailing labor rates equipment rates and credits for salvaging project material using an average material price index over the last 5 years. The salvage value and equipment rates have been estimated using publicly available data from FEMA published Schedule of Equipment Rates. The salvage value rates have

Champaign Solar 1B LLC

been estimated using publicly available data (e.g., <https://fred.stlouisfed.org>), as well as industry provided actual salvage values and previous experience with similar projects. Five-year average salvage values were calculated based on price index interpolation.

The estimated costs utilize hourly and monthly rates listed below:

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- Dump truck rental at \$52.96/hr

Salvage Values

- Steel (e.g., fence, racking, posts) at \$0.14/lb.;
- PV panels at \$5/panel;
- Electrical components (e.g., combiner boxes, inverters, transformer) at \$0.28/lb.;
- DC wiring (copper) at \$1.3/lb.; and
- AC wiring (copper and aluminum) at \$1.14/lb.

The estimated cost of construction activities associated with decommissioning using current wages is \$497,258. The material salvage value is \$125,809, 70% of which (\$88,066) is available as a decommissioning cost credit. The net decommissioning cost, accounting for 70% salvage value is estimated to be \$409,192. The detailed costs are attached.

Champaign Solar 1B LLC

The attached preliminary decommissioning cost estimate is based on the construction development set created by Pivot Energy on October 10, 2022. Changes to the plans and construction may affect the scope and costs of Facility decommissioning. If required by the county, final decommissioning costs should be revised based on "As-Built" plans. The attached decommissioning cost estimate was prepared under the supervision of a registered professional engineer in the state of Illinois. The opinion of probable costs is based on experience in the design and construction of energy facilities and are subject to final engineering/construction.

If at any time in the future, the prevailing professionally accepted standards of economic feasibility of recycling and or environmental implications of hazardous waste changes to increase the costs associated with decommissioning, the cost estimate will be revised, and the bonds will need to be modified accordingly to cover said cost.

This opinion assumes a third-party contractor, experienced in the construction and decommissioning of photovoltaic facilities will lead the effort. The reported costs include labor materials, taxes, insurance, transport costs, equipment rental, contractor's overhead, and contractor's profit; the labor costs have been estimated using regional labor rates and labor efficiencies from the United States Department of Agriculture (USDA) /the US Bureau of labor statistics for construction workers in 2023 along with previous decommissioning plan estimates completed for other similar projects.

Champaign Solar 1B LLC, by its duly authorized representative's signature below, hereby acknowledges that it has reviewed this Decommissioning and Site Reclamation Plan, and approves of the same, and agrees to be bound by the terms and conditions contained therein.

Authorized Representative: 

Print Name: Elizabeth Reddington

Title: Vice President of Development

Date: 07/31/2023

Champaign Solar 1B
Decommissioning Cost Estimate

Task	Unit	Estimated Quantity	Cost per Unit 2023	Total Gross Cost 2023	Salvage Value 2023	Net Costs 2023
Engineering & Permitting	LS	1	\$ 11,250.00	\$ 11,250.00		\$ 11,250.00
Mobilization	LS	1	\$ 28,857.70	\$ 28,857.70		\$ 28,857.70
Silt Fence	LF	4,650	\$ 2.70	\$ 12,555.00		\$ 12,555.00
Access Road Removal & Restoration	SF	31,690	\$ 3.50	\$ 110,915.00		\$ 110,915.00
Equipment Pad & Restoration	EA	1	\$ 900.00	\$ 900.00		\$ 900.00
Seed Disturbed Areas (50% disturbed area)	AC	14	\$ 938.00	\$ 13,132.00		\$ 13,132.00
Fence Removal	LF	4,650	\$ 2.30	\$ 10,695.00	\$ (3,228.96)	\$ 7,466.04
Site Clean Up	AC	28	\$ 260.00	\$ 7,280.00		\$ 7,280.00
Rack and Post Removal	EA	1,800	\$ 70.00	\$ 126,000.00	\$ (63,000.00)	\$ 63,000.00
Remove Panels	EA	10,776	\$ 5.27	\$ 56,755.14	\$ (51,186.00)	\$ 5,569.14
AC Wiring-Direct Burial and Overhead	LF	4,600	\$ 0.21	\$ 968.25	\$ (471.96)	\$ 496.29
DC Wire Removal	LF	88,800	\$ 0.40	\$ 35,520.00	\$ (4,617.60)	\$ 30,902.40
Electrical Disconnect	EA	1	\$ 210.00	\$ 210.00		\$ 210.00
Combiner Box	EA	17	\$ 180.00	\$ 3,060.00	\$ (209.44)	\$ 2,850.56
Inverter	EA	20	\$ 180.00	\$ 3,600.00	\$ (542.08)	\$ 3,057.92
Transformer	EA	3	\$ 500.00	\$ 1,500.00	\$ (2,553.60)	\$ (1,053.60)
SUBTOTAL				\$ 423,198.09	\$ (125,809.64)	\$ 297,388.45
Other Costs						
Contractor Profit	%	8%		\$ 33,855.85		\$ 33,855.85
Contractor Overhead & Management	%	5%		\$ 21,159.90		\$ 21,159.90
Contractor Insurance	%	2%		\$ 8,463.96		\$ 8,463.96
County Administrative Costs	%	2.5%		\$ 10,579.95		\$ 10,579.95
SUBTOTAL				\$ 74,059.67		\$ 74,059.67
DECOMMISSIONING TOTAL				\$ 497,257.75		\$ 371,448.11

*Salvage values determined linearly interpolating relative material values over a five year span, and averaging the value

**Material labor cost estimated utilizing labor rates using the posted March, 1, 2023 Knox County prevailing wage (Foreman Hourly Rate) and FEMA 2019 schedule.

Cable Management for Solar



Commercial and Utility Grade Installations



RECEIVED

SEP 27, 2023

CHAMPAIGN COUNTY
PLANNING & ZONING



Snake Tray® is Green and Proudly Powered by the Sun!

Snake Tray is committed to manufacturing products that minimizes the impact on the environment.

We are proud to be the first in our industry to manufacture utilizing solar power from our own roof top solar array. We have streamlined our manufacturing methods and have adopted greener practices including reducing waste, saving energy, and utilizing resources wisely. We stand ready to help building owners, architects and design engineers reach their sustainable building goals.

Snake Tray® Cable Management

- Made of 100% recycled steel
- Products designed to create no material waste
- Compact shipping and packaging
- US made with distribution centers throughout the USA
- Reusable and 100% reclaimable products



Customer List

The following companies and organizations are just a few who have made a commitment to superior cable management with Snake Tray products.

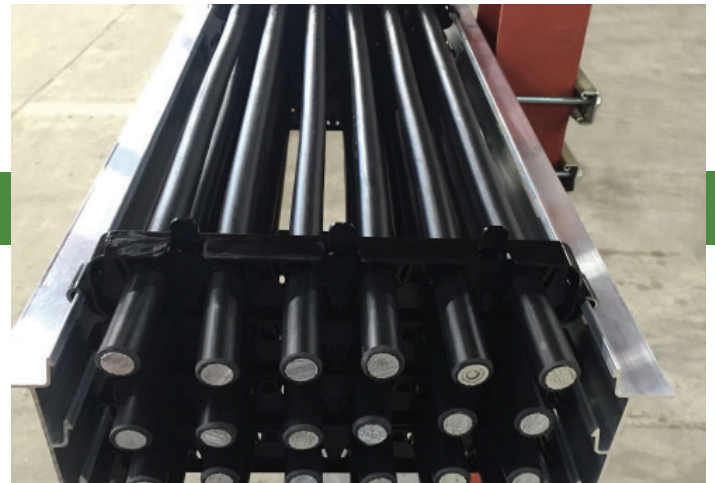
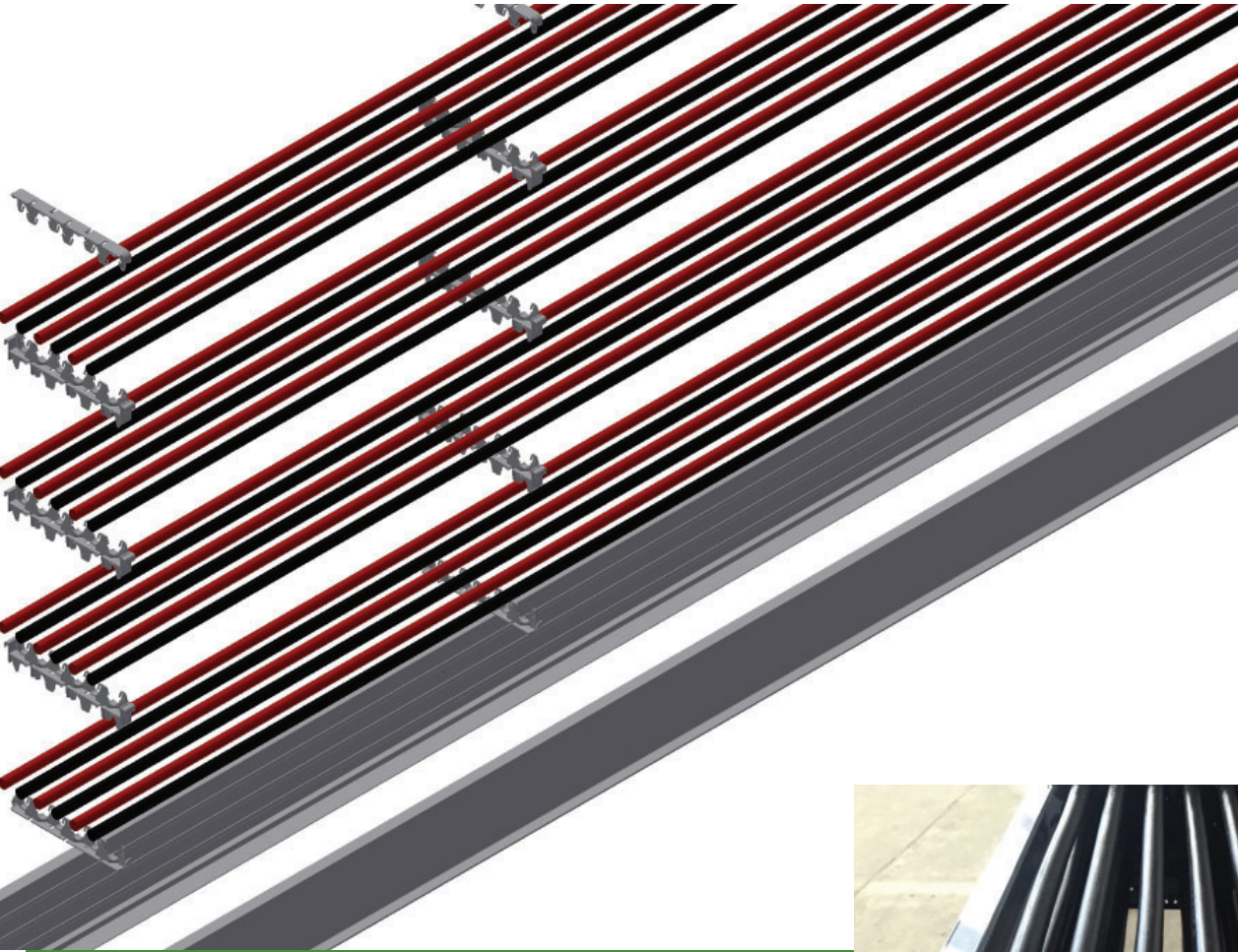
A.G. Edwards
 ABC TV
 Aer Lingus
 Amazon.com
 American Airlines
 Amica Insurance
 AT&T
 Barclays Bank
 Bank of America
 Bloomberg
 Boeing
 Bookspan
 BP
 Caterpillar
 CIA
 CitiBank
 Coca Cola
 CS First Boston
 CVS
 Department of Homeland Security
 Deutsche Bank
 Direct TV
 Disney
 Duquesne Light Company
 Ebay.com
 EDS
 Edward Jones
 EMC
 Enterprise Rent-A-Car
 ESPN
 eSurance
 Exxon
 FAA
 FBI
 Fox News
 Federal Reserve Bank
 Ford Motor Company
 General Dynamics
 Google
 Harvard University
 Honda
 IBM
 Intel Corp.
 Key Bank
 Jane Street Capital
 Johns Hopkins University
 J.P. Morgan Chase
 K-Mart
 Lever Brothers
 Lockheed Martin
 MasterCard
 McDonalds Corporation
 McGraw Hill
 Merck
 Merrill Lynch
 Met Life
 Montefiore Medical Center
 Motorola

NASA
 National Library of Medicine
 New York Stock Exchange
 North Dakota State University
 NY City Fire Department
 PAYCHEX
 PepsiCo
 Pfizer
 Pharmacia & Upjohn Co.
 Philip Morris
 PSE&G
 Puget Sound Naval Shipyard
 Quest Diagnostics
 Raytheon
 Reuters
 SAIC
 Siemens
 Southwestern Bell
 Sprint
 Staples
 State of North Carolina



State of Tennessee
 State University of New York
 Target
 Teachers Insurance Union
 The Gap
 The Kennedy Center
 Travelocity
 United Health Group
 United Nations
 University of Maryland Children's Hospital
 UPS
 US Air Force
 US Army
 US Coast Guard
 US Department of State
 US Marines
 US Navy
 US Postal Service
 Vanderbilt University
 Vanguard Solar
 Verizon
 Wells Fargo
 World Trade Center
 Yale University

Solar Snake Max™ - Rail Mount System



Utility Grade Cable Management for High Voltage Cables

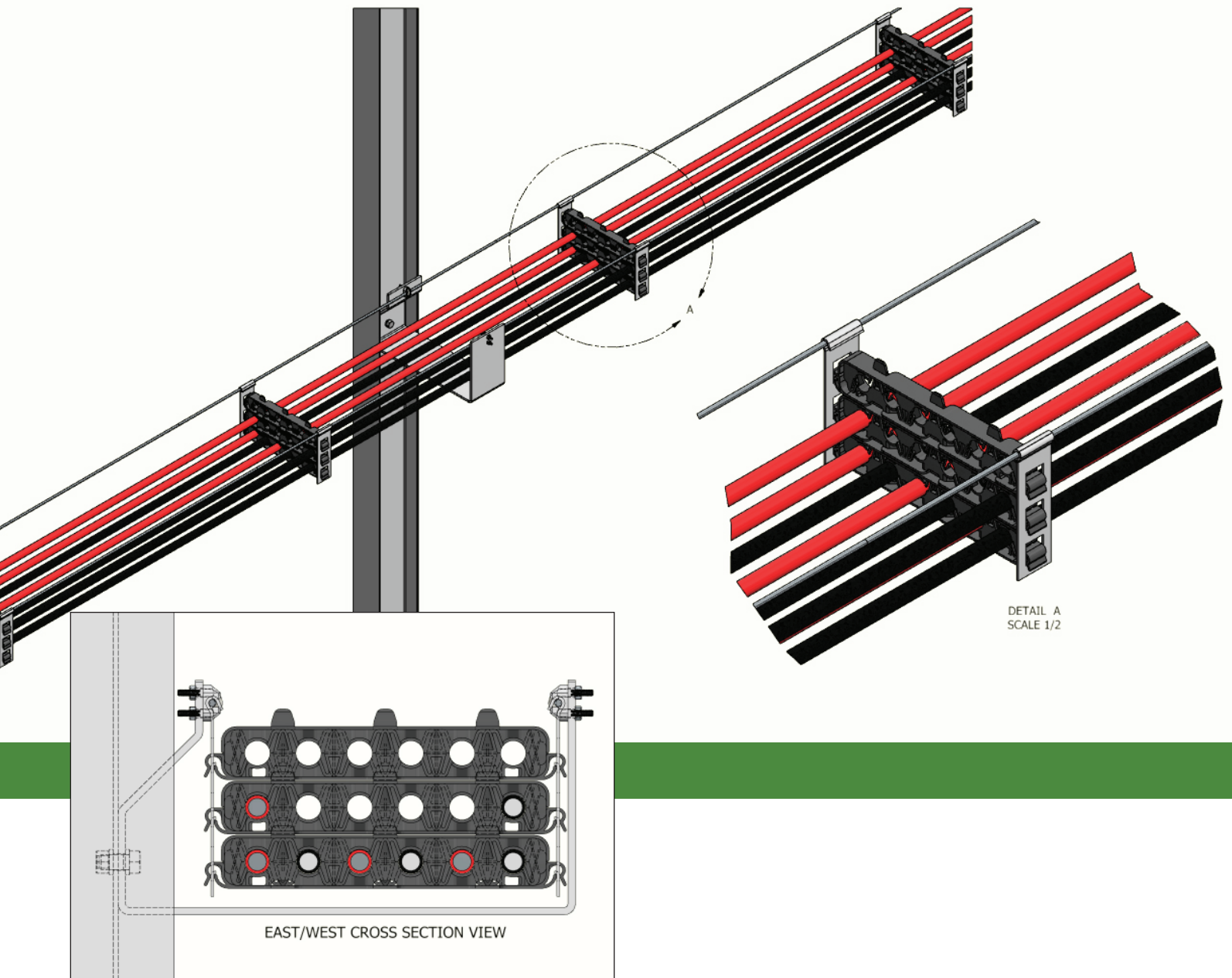
**Carry PV Energy On 50% Less Cable,
No Need To De-Rate Cables Anymore!**

Solar Snake Max™ is our new patented cable management system for utility grade installations. The easy snap together components maintain NEC 310.15 code compliant cable separation. Construction cycle times and material costs will substantially decrease with this new innovative approach to managing high voltage cables.

Rail Mount Benefits

- No derating of cable required with open air design
- Maintains code compliant separation
- Easy snap together components
- No field fabrication required
- Mounts to any style of vertical pilings or poles
- Can be mounted to the ground for extreme low-profile solar arrays used in lower latitude areas of the world

Solar Snake Max™ - Messenger Wire System



Messenger Wire Benefits

- No derating of cable required with open air design
- Maintains code compliant separation
- Easy snap together components
- No field fabrication required
- Mounts to any style of vertical pilings or poles
- Most economical system in today's market
- Allows for longer support distances
- Used for a wide variety of varying elevations

Solar Snap Snake Tray® - Messenger Wire System



Solar Snap Snake Tray is deceptively simple in appearance, but actually is an integrated cable routing system for two 500 kcmil cables, one ground cable and a 1/4" messenger wire.

A lower profile than alternative products, Solar Snap Snake Tray reduces the chance of damage to the conductors and provides for a generous maximum load weight of 65 lbs.

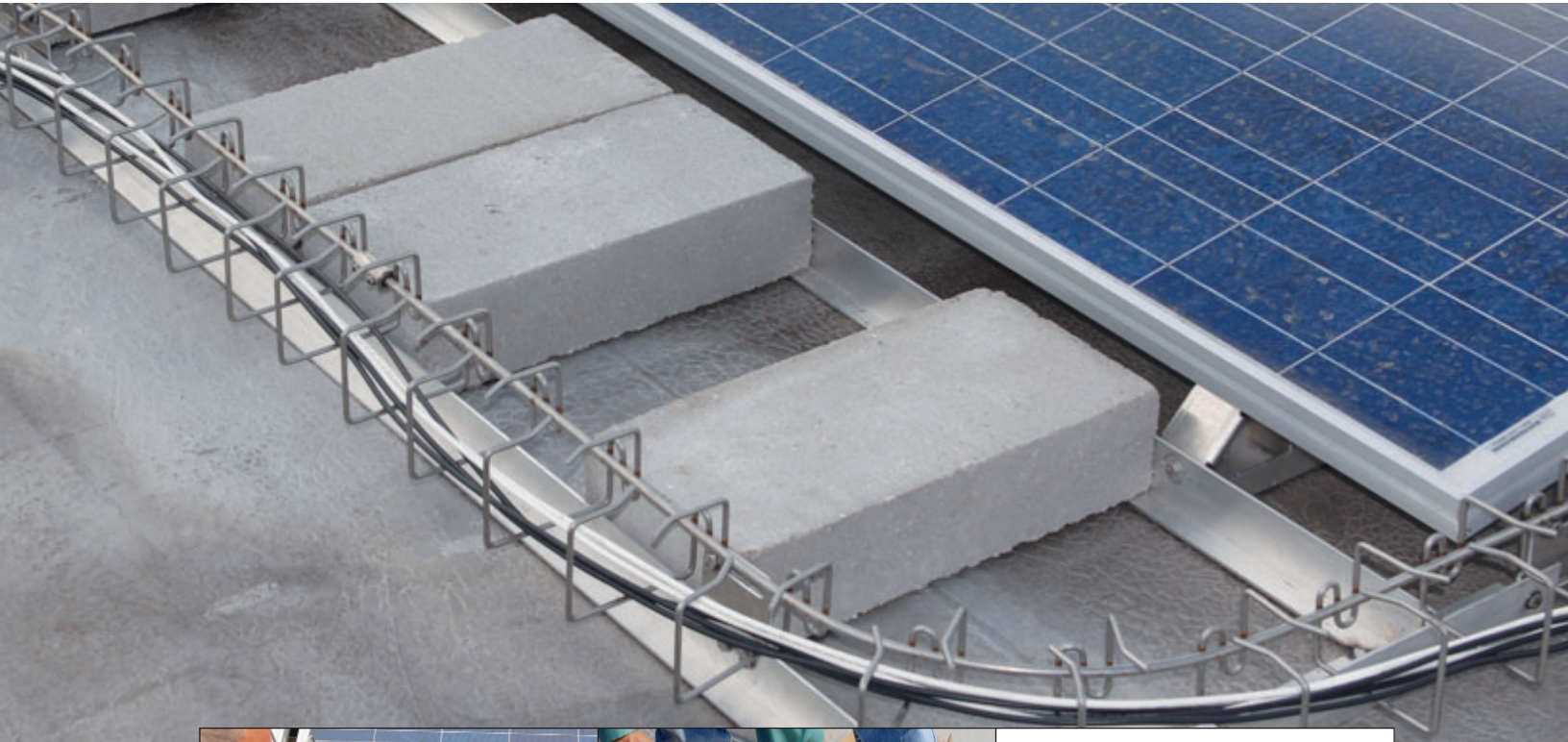
The unique design is suitable for services carrying #10 string wires but also strong enough for more heavy-duty cables.

Holding up to two 500 kcmil cables with no need to de-rate.

This compliments our Solar Snake Max XL cable management system.

- Ultra-narrow profile, light weight and corrosion free
- Easy and fast "plug and play" installation reduces labor costs
- Safe installation through special closure system
- Up to 30 years of UV protection
- One solution for all cables
- Exceptional reliability in extreme weather conditions

Solar Snake Tray®



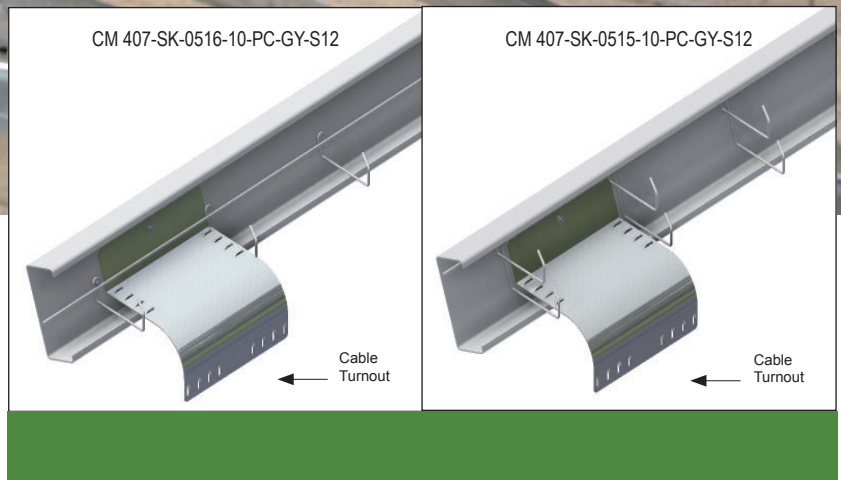
Cable Management for Solar Installations that Drastically Lowers Installation Costs!

The world's only weatherproof, hand bendable cable conveyance that quickly and securely carries DC circuitry from solar panels to their terminations. Change directions easily by bending Solar Snake Tray with your own two hands.

- Built-in mounting rings for infinite mounting options
 - Trays connect together with a single connector for a 15-second bonded attachment tray to tray
 - Patented "lobster trap" design, ensures effortless outdoor cable installation, while trapping and protecting the cables from hurricane force winds over 120 mph
-

Utility-Grade Solar Snake Tray®

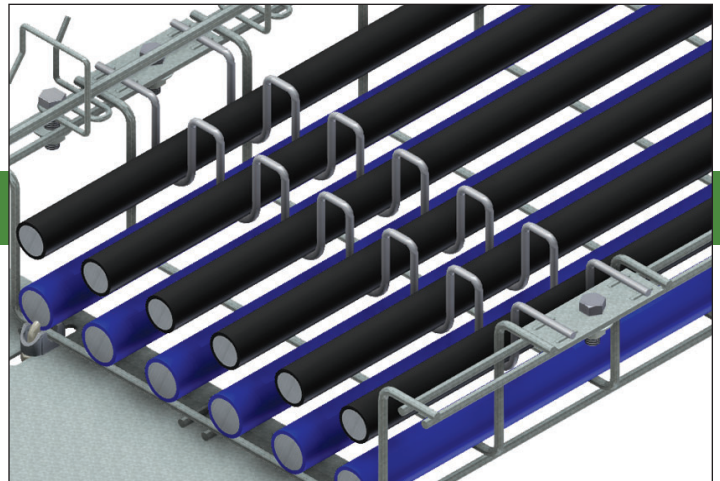
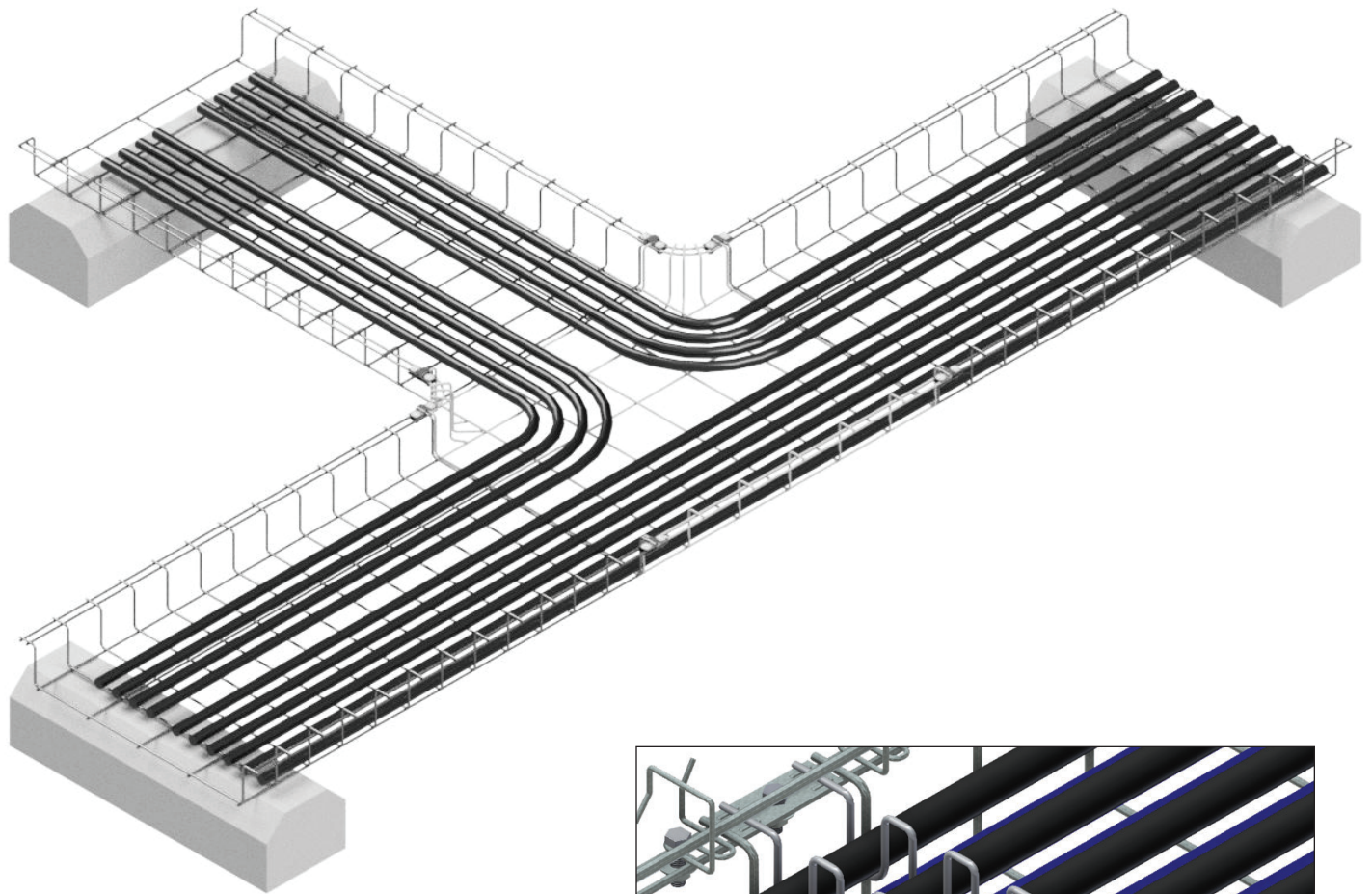
Solar Snake Tray for Fixed Tilt Arrays



Solar Snake Tray for Fixed Tilt Arrays

- Next generation of Solar Snake Tray developed specifically for large-scale ground-mounted plants
- Like original Solar Snake, it is hand bendable, has integrated easy mounting points and nests for reduced material handling
- Mounts to the Z or C purlin of any racking system
- Different versions manage string cables, feeder cables, or both
- In use by major EPC around the USA and globally

Solar Mega Snake Tray®



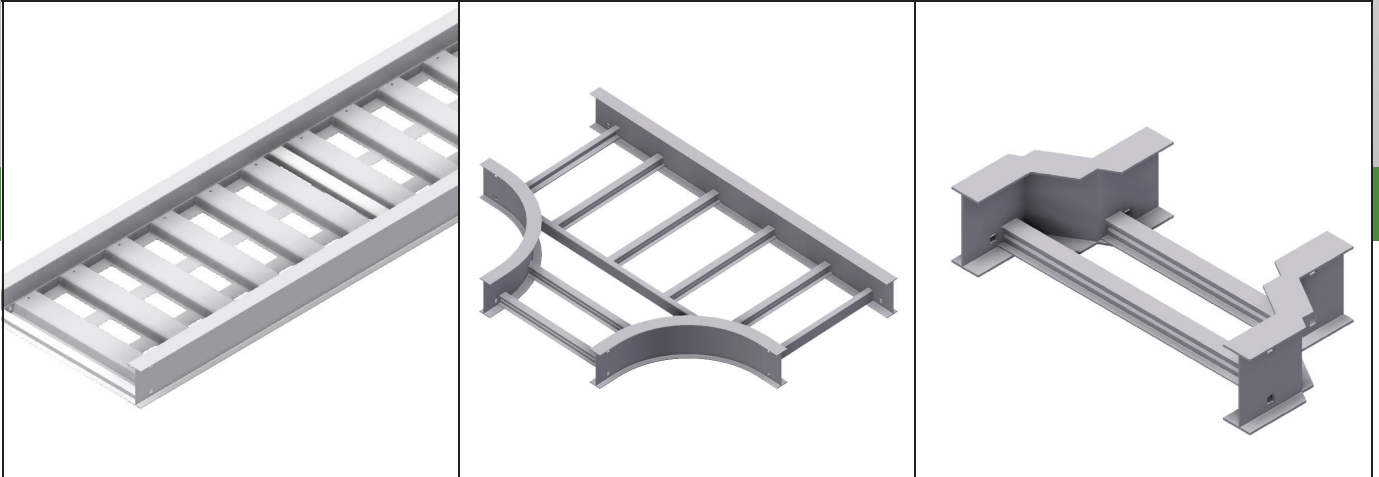
Cable Management for DC and AC Feeder Cables

- Built-in mounting rail for attaching accessories including combiner boxes
- Nests together for economical shipping and easy material handling
- Available in Power Coated Gray and Stainless Steel for climate specific applications

Mega Snake Air Separator

This auxiliary component attaches directly to the Mega Snake's mounting rail to provide code compliant separation between high ampacity conductors. Can be configured to the customer's specific cable schedule.

Aluminum Cable Tray®

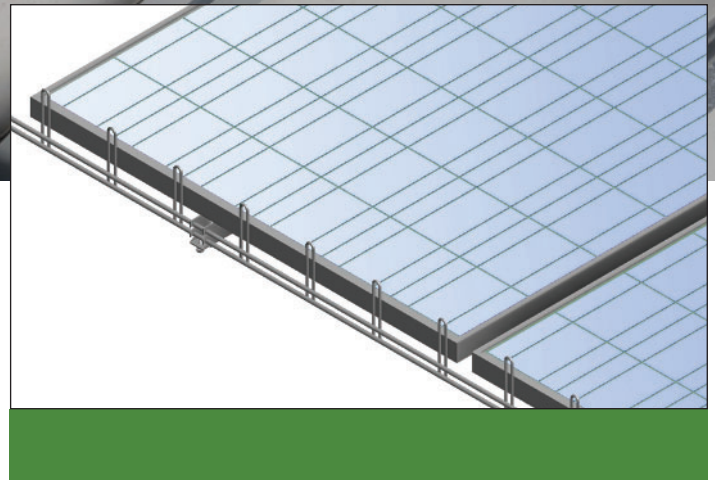


Snake Tray now offers Aluminum Cable Tray which is light weight for easier installation while offering a high loading capacity to manage large cable runs. Components are easy to attach with our quick connection system.

Benefits

- Light weight aluminum
- High loading capacity to handle large cable runs
- Easy connection system

Solar Panel Ice Guard



Snake Tray's Solar Panel Ice Guard is specifically designed to help minimize sheet flow of ice on the surface of the solar panel. The system is designed to hold back ice material up to the top edge of the guard. Our Ice Guard easily mounts to the frame of any solar panel. It is a great solution to minimize the possibility of injury from falling ice in areas with pedestrian traffic such as parking lots and train stations.

Benefits

- Universal Mounting System
 - Easy Installation
 - Works with any flanged solar panel
 - Ships from stock
-

Accessories



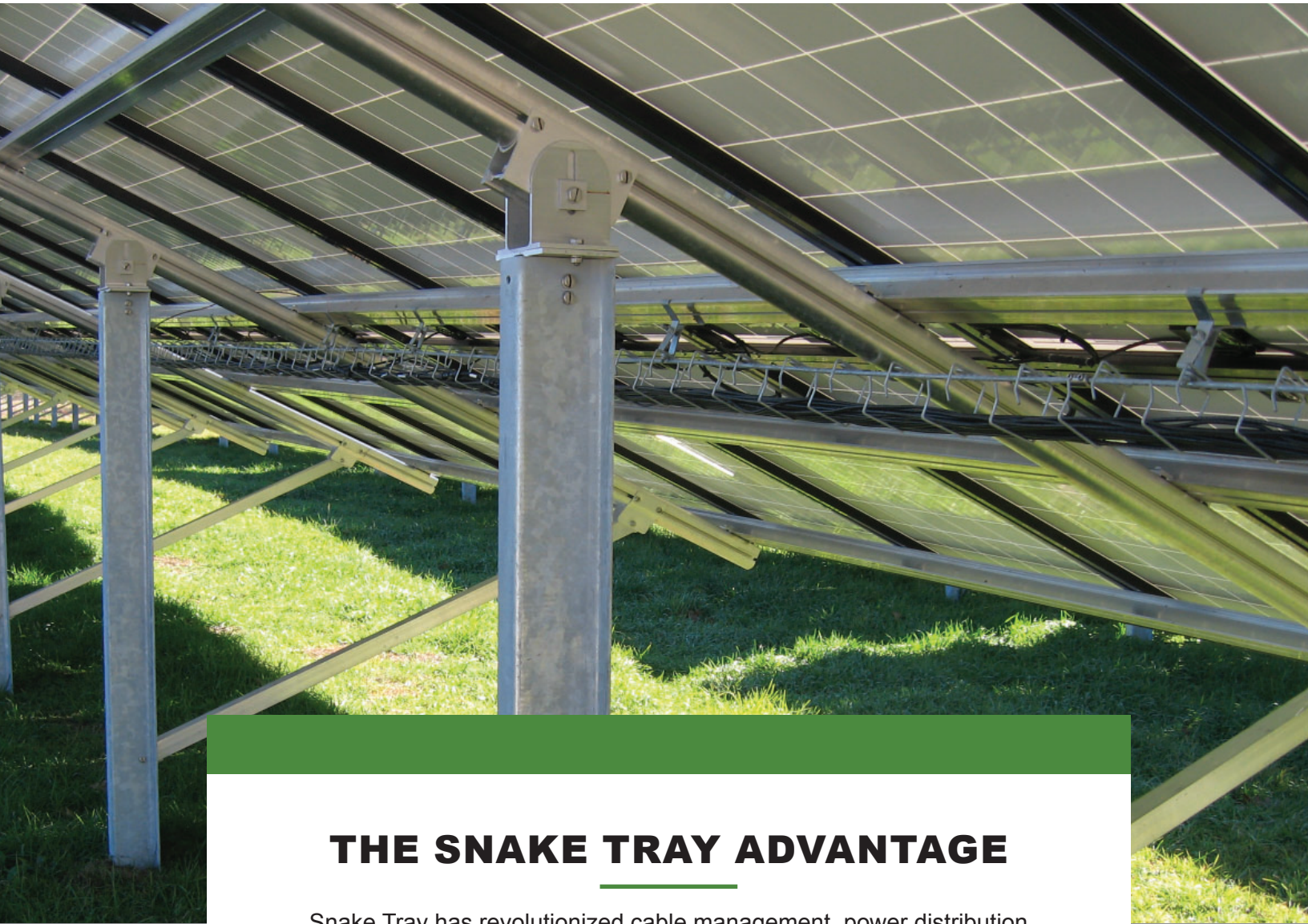
Solar Snake Charmer Cable Manager

This is the long-awaited solution for inspector's request to get connectors and cables out of water and snow on rooftops. Snake Charmer snaps into place under the panel to carry connectors safely and securely at the rear of the panel. No tools required.



Snake Tray Ballasted Roof Mount Anchor for Cable Trays and Conduit

Snake Tray's ballasted roof mount anchors use common cement block ballasts to support Solar Snake cable tray, carrying PV cables from solar arrays to combiner boxes and inverters. It is also available with a strut mount system as well as many custom brackets to attach virtually any roof top ballasted component. Padding on base protects roof membranes.



THE SNAKE TRAY ADVANTAGE

Snake Tray has revolutionized cable management, power distribution and enclosures with a variety of innovative products designed to install quickly, reduce labor and material costs, and significantly drive down the total cost of construction. All of our products are made in the USA and stocked throughout the USA to ship on time for our customers. Our engineers and sales team stand ready to assist you with take offs, bill of materials and product solutions. Call us at 800-308-6788 to discuss your next project.



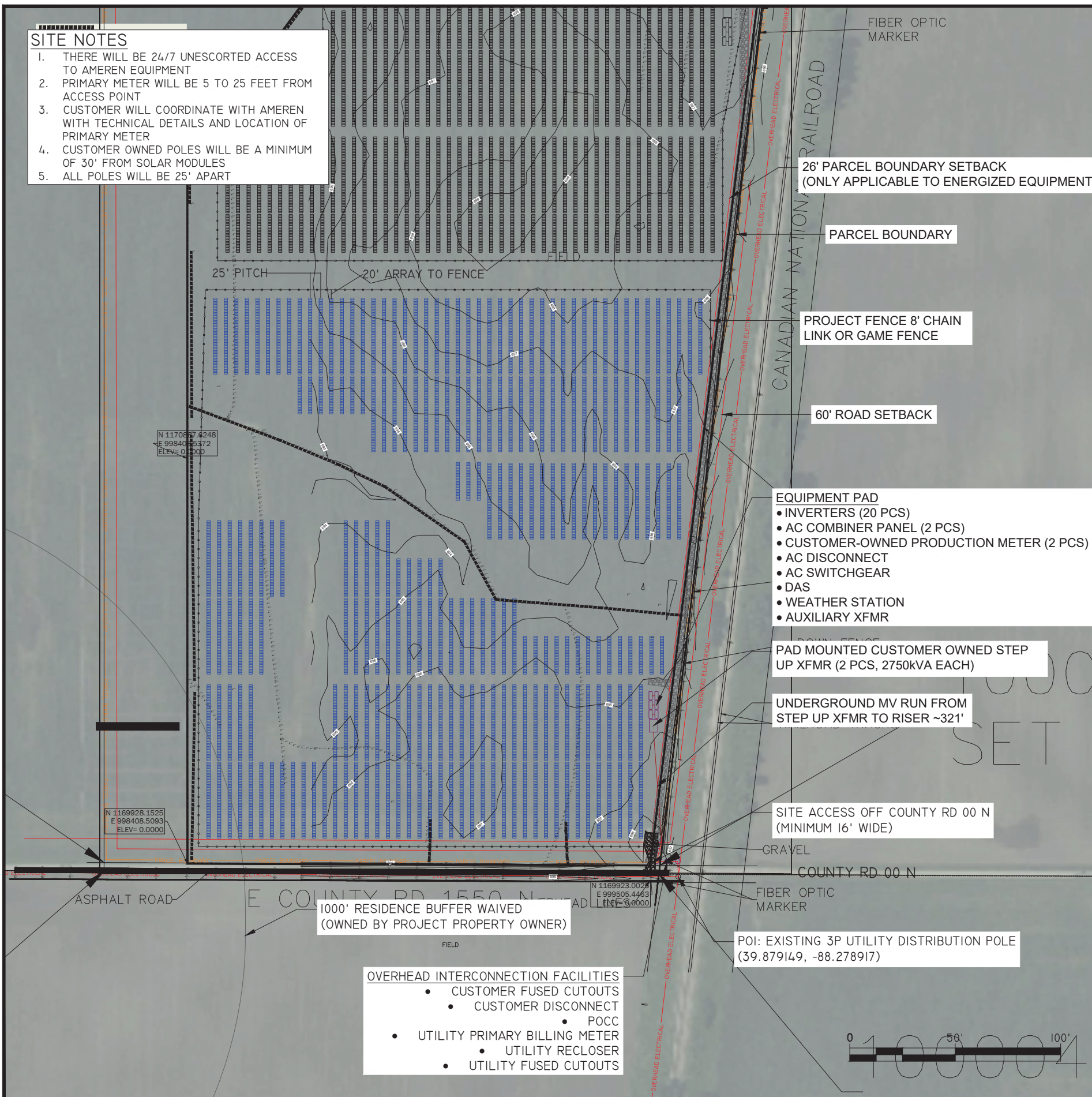
Snake Tray®
291 Skip Lane | Bay Shore NY 11706 | USA
T: 800-308-6788 | 631-674-0004
www.snaketray.com | MADE IN USA

Document No. MKTG-0003 | Sept 2020 | © 2020 Snake Tray

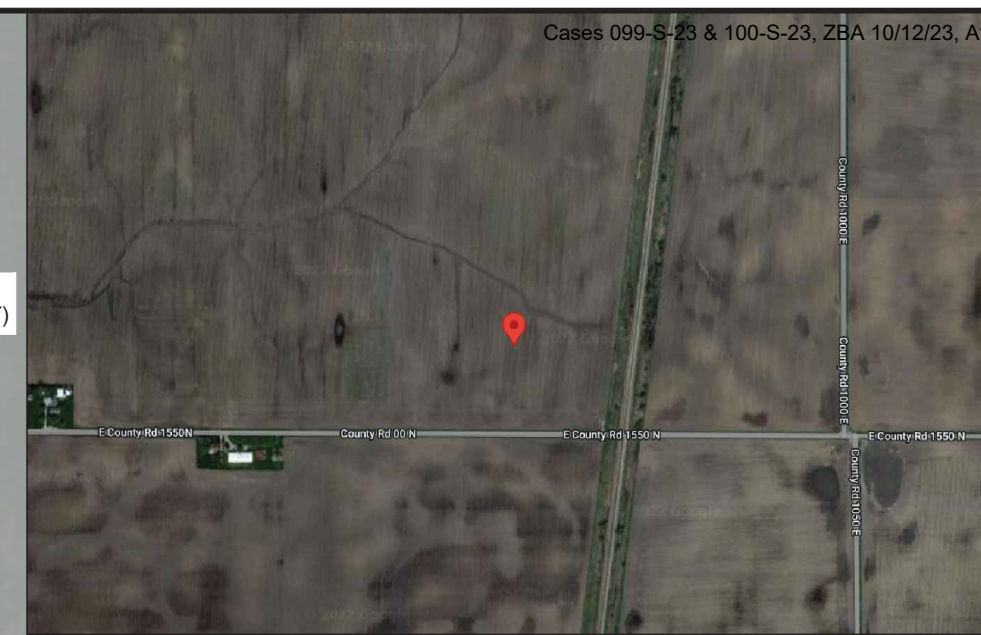
Snake Tray® products are covered by one or more of the following patents: #6637704, #6637165, #6463704, #6460812, #6449912, #6361000, #6347493, #6019323, #6347493, #6449912, #6460812, #5953870, #5839702, #6926236, #7168212, #7959019, #8783628, #8985530, #8622679, #9074707. Other Patents Pending.

SITE NOTES

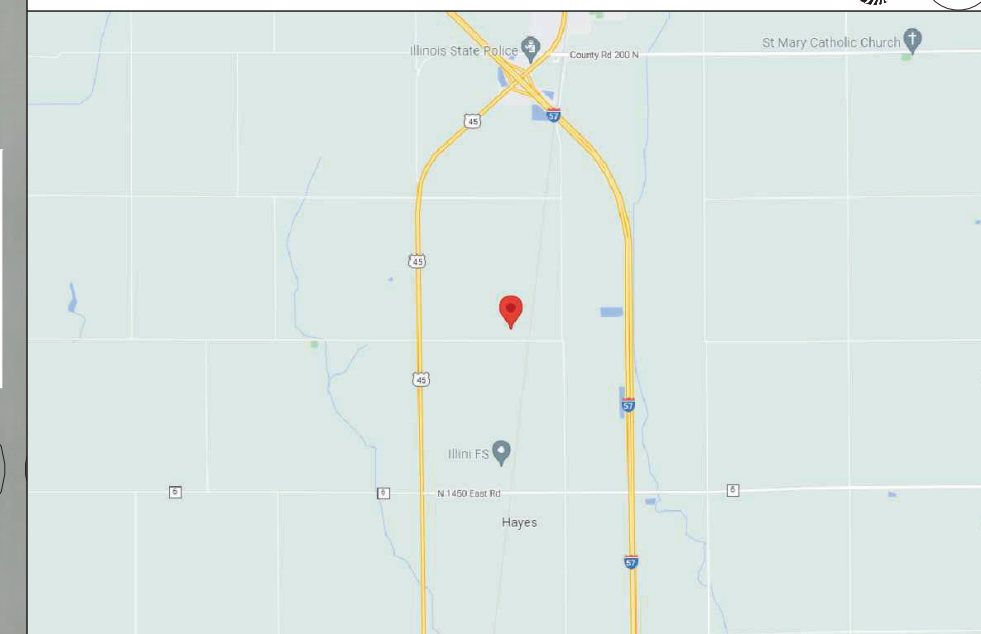
1. THERE WILL BE 24/7 UNESCORTED ACCESS TO AMEREN EQUIPMENT
2. PRIMARY METER WILL BE 5 TO 25 FEET FROM ACCESS POINT
3. CUSTOMER WILL COORDINATE WITH AMEREN WITH TECHNICAL DETAILS AND LOCATION OF PRIMARY METER
4. CUSTOMER OWNED POLES WILL BE A MINIMUM OF 30' FROM SOLAR MODULES
5. ALL POLES WILL BE 25' APART



SITE PLAN



SATELLITE VIEW



VICINITY MAP

SYSTEM SPECIFICATIONS

SOLAR MODULE
10776 - HANWHA Q.PEAK DUO XL-GII.3/BFG 580W

INVERTER
20 - CPS SCH275KTL-DO/US-800 250kW

MOUNTING SYSTEM
10 - ATI DURATRACK SINGLE-AXIS TRACKER

SYSTEM SIZE
6250.08kW_{DC}
5000kW_{AC}

FENCED AREA
35.2 ACRES

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SEP 27, 2023

CHAMPAIGN COUNTY
PLANNING & ZONING

NOTES & SPECIFICATIONS

REV	DRWN	DATE	DESCRIPTION
2	NJC	2023.08.15	OVERLAY DRAIN TILE SURVEY
1	NJC	2023.04.26	26' PROPERTY BOUNDARY & 60' ROAD SETBACKS
0	BEP	2022.09.27	PRELIM DESIGN



750 15TH ST, SUITE 200
DENVER, CO 80202
WWW.PIVOTENERGY.NET

CHAMPAIGN SOLAR I LLC
(39-880524, -88.280323)
TUSCOLA IL 61953
PARCEL ID: 1832344-0001
PROJECT NO: TBD

6250.08kW_{DC} & 5000kW_{AC} SOLAR PV PROJECT PLAN
DATE: 2023.08.15

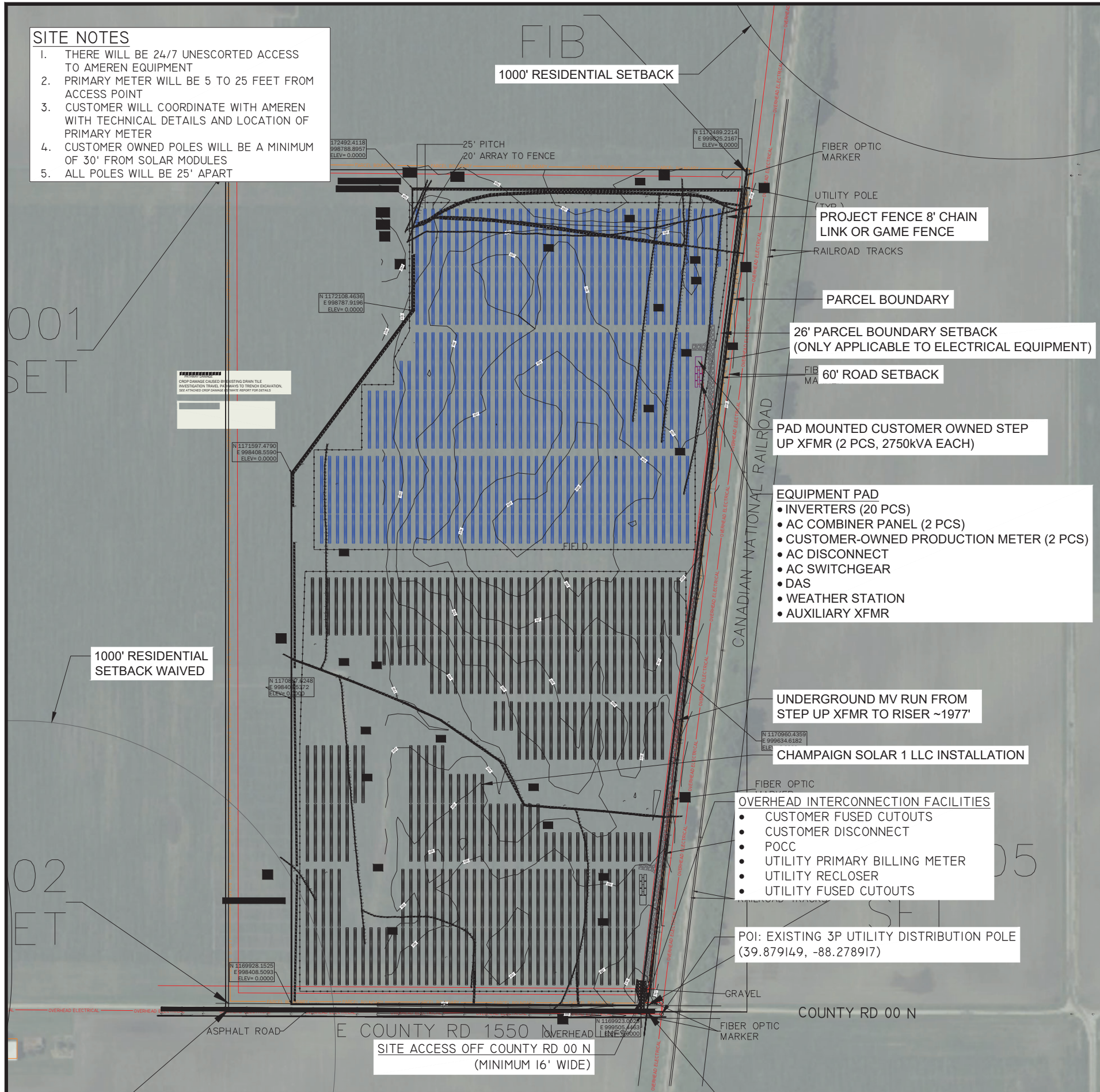
E.2
SITE PLAN



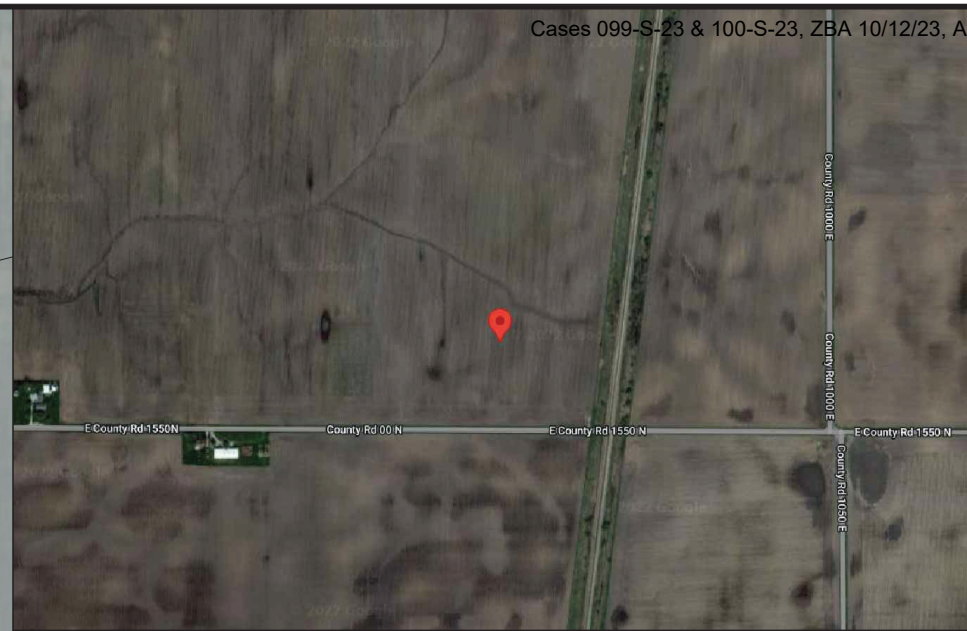
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E.2

SITE NOTES

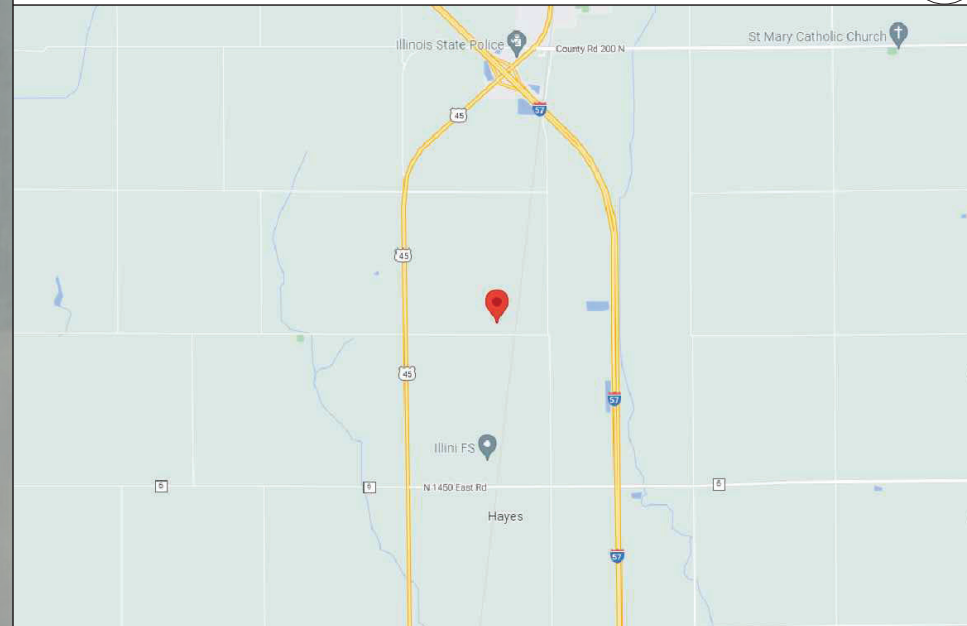
1. THERE WILL BE 24/7 UNESCORTED ACCESS TO AMEREN EQUIPMENT
2. PRIMARY METER WILL BE 5 TO 25 FEET FROM ACCESS POINT
3. CUSTOMER WILL COORDINATE WITH AMEREN WITH TECHNICAL DETAILS AND LOCATION OF PRIMARY METER
4. CUSTOMER OWNED POLES WILL BE A MINIMUM OF 30' FROM SOLAR MODULES
5. ALL POLES WILL BE 25' APART



SITE PLAN



SATELLITE VIEW



VICINITY MAP



SYSTEM SPECIFICATIONS

SOLAR MODULE
10776 - HANWHA Q.PEAK DUO XL-GII.3/BFG 580W

INVERTER
20 - CPS SCH275KTL-DO/US-800 250kW

MOUNTING SYSTEM
6 - ATI DURATRACK SINGLE-AXIS TRACKER

SYSTEM SIZE
6250.08kW_{DC}
5000kW_{AC}

FENCED AREA
26.7 ACRES

RECEIVED

SEP 27, 2023

CHAMPAIGN COUNTY
PLANNING & ZONING

NOTES & SPECIFICATIONS



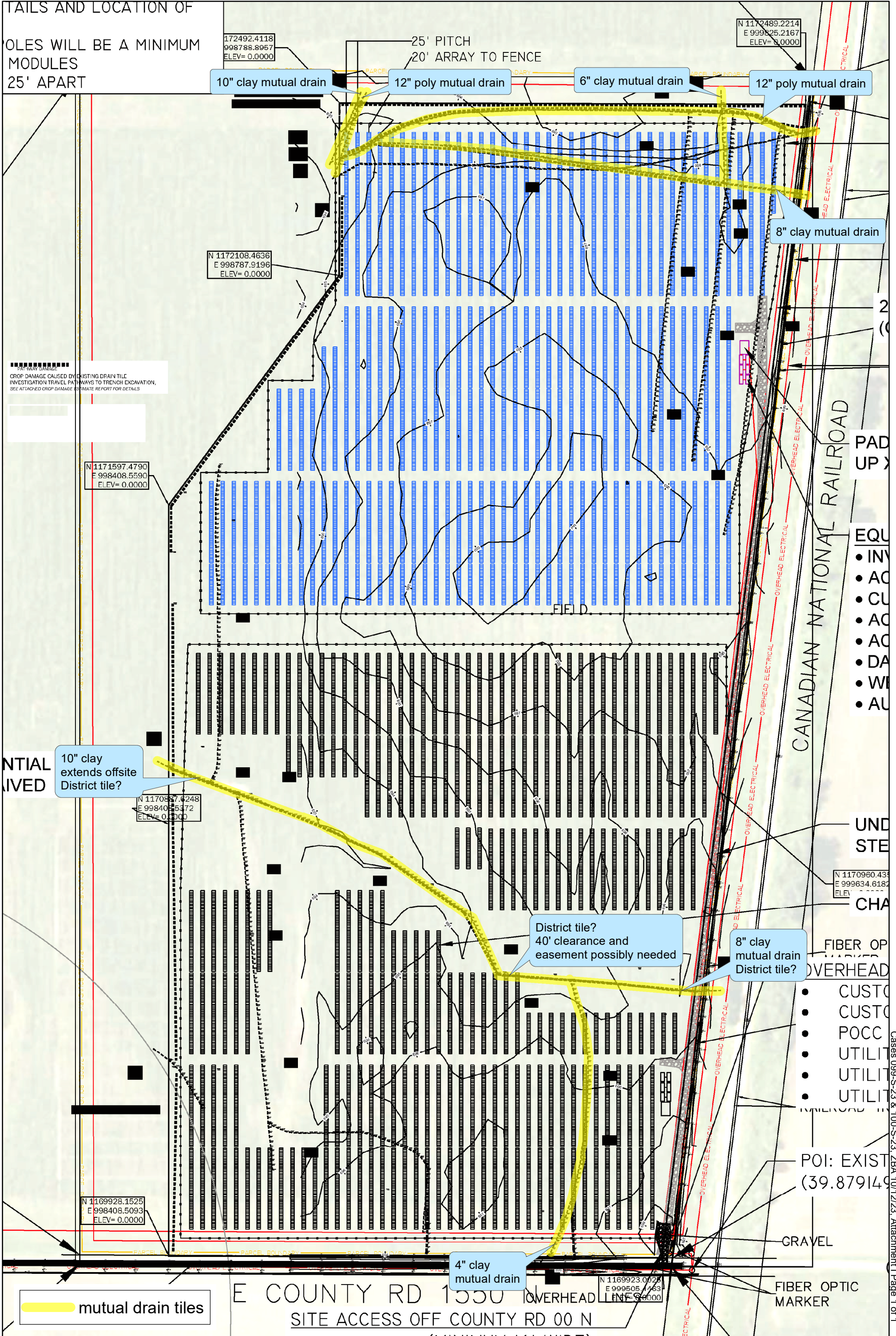
REV	DRWN	DATE	DESCRIPTION
2	NJC	2023.08.15	OVERLAY DRAIN TILE SURVEY
1	NJC	2023.04.26	60' ROAD, 26' PARCEL BOUNDARY, & 1000' RESIDENTIAL SETBACKS
0	NJC	2022.10.10	PRELIM DESIGN

CHAMPAIGN SOLAR 1B LLC
 (39.880524, -88.280323)
 PESOTUM IL 61863
 PARCEL ID: 1832344-0001
 PROJECT NO: TBD
 6250.08kW_{DC} & 5000kW_{AC} SOLAR PV PROJECT PLAN
 DENVER, CO 80202
 WWW.PIVOTENERGY.NET
 DATE: 2023.08.15

E.2
 SITE PLAN

Annotated Site Plan with Drainage Tiles

Cases 099-S-23 & 100-S-23
October 12, 2023



DRAFT REVISED 10/12/23

099-S-23

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

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

Date: ~~July 13, 2023~~ October 12, 2023

Petitioners: **Champaign Solar 1 LLC, via agent Merrill Read, with participating landowner JHBLT LLC**

Request: **Authorize a Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 Zoning District, and including the following waivers of standard conditions:**

Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

~~**Part B:** A waiver for a fence that is less than 10 feet from the side property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b.~~

Part B: A waiver for a separation distance of 42 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

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

Other waivers may be necessary.

Table of Contents

General Application Information..... 2 - 3
Specific Ordinance Requirements..... 3 - 9
Special Use Evidence 9 - 39
Documents of Record..... 40
Case 099-S-23 Finding of Fact 41 - 49
Case 099-S-23 Final Determination..... 50 – 53

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 13, 2023, and October 12, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Champaign Solar 1 LLC, 1601 Wewatta St, Suite 700, Denver, CO 80202, a subsidiary of Pivot Energy Development LLC, with CEO Tom Hunt; via agent Merrill Read, and participating landowner JHBLT LLC, 305 E Sale St, Tuscola, IL 61953 are the developers of the proposed PV Solar Farm.
2. The subject property is a 90-acre tract of land west of the Canadian National Railroad in the Southeast Quarter of Section 34, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township, and commonly known as farmland owned by JHBLT LLC on the north side of CR 0N.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located 1.1 miles from the Village of Pesotum, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases. The Village of Pesotum does not have a one and one-half mile extra-territorial jurisdiction because it does not have a Comprehensive Plan.
 - B. The subject property is located within Pesotum Township, which does not have a Planning Commission. Townships with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
 - A. The 90-acre subject property is zoned AG-1 Agriculture and is currently in agricultural production.
 - (1) The proposed PV SOLAR FARM would be located on approximately 35.2 acres of the subject property.
 - B. Land north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land south of the subject property is in Douglas County, which does not have zoning; land use is agricultural production.
 - D. Land west of the subject property is zoned AG-1 Agriculture and land is in agricultural production.
 - (1) There is a residence 1,700 feet west of the subject property and another approximately 850 feet southwest of the subject property.
 - E. Land east of the subject property on the other side of the railroad is zoned AG-1 Agriculture and is in agricultural production.

DRAFT REVISED 10/12/23**Case 099-S-23**
Page 3 of 53**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the Site plan for the proposed Special Use received April 14, 2023:
- A. The Site Plan includes the following proposed features:
- (1) One 5-megawatt community PV SOLAR FARM site on approximately 35.2 acres; and
 - (2) 8-feet tall perimeter fence; and
 - (3) One equipment pad located approximately 330 feet north of the CR 0N centerline; and
 - (4) A minimum 16-foot wide gravel access road extending approximately 458 feet north from CR 0N; and
 - (5) A gated security entrance approximately 60 feet north of the centerline of CR 0N; and
 - (6) The Point of Interconnection (POI) is proposed to connect to an existing power line that runs along the south side of CR 0N; and
 - (7) The nearest parcel 10 acres or less in area is 1,933 feet from the solar farm fenced area; and
 - (8) The nearest parcel greater than 10 acres in area is 60 feet from the solar farm fenced area, and the nearest principal building on that property is approximately 1,065 feet from the fenced area; and
 - (9) The nearest residence is approximately 1,065 feet from the solar farm fenced area; and
 - (10) There is a separation of 60 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 0N.
- B. A revised Site Plan received September 27, 2023 includes all items listed above as well as all drainage tiles found during a drainage tile survey.
- C. There are no previous Zoning Use Permits for the subject property.
- D. There are no previous Zoning Cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

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

DRAFT REVISED 10/12/23

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

B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
- (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
- (4) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
- (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (8) “LOT LINES” are the lines bounding a LOT.
- (9) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.

DRAFT REVISED 10/12/23**Case 099-S-23**
Page 5 of 53

- (10) “NON-ADAPTABLE STRUCTURE” is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE).
- (11) “NOXIOUS WEEDS” are any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.
- (12) “PHOTOVOLTAIC (PV)” is a type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.
- (13) “PV SOLAR FARM” is a unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and waterwells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.
- (14) “PV SOLAR FARM, COMMUNITY” is a PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
- (15) “PRIVATE WAIVER” is a written statement asserting that a landowner has agreed to waive a specific WIND FARM or PV SOLAR FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.
- (16) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (17) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (18) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.

DRAFT REVISED 10/12/23

- (19) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
 - (20) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (21) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (22) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- C. Section 5.2 only authorizes a “PV SOLAR FARM” in the AG-1 or AG-2 Zoning Districts and requires a Special Use Permit authorized by the County Board.
- D. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- E. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
 - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).

DRAFT REVISED 10/12/23**Case 099-S-23
Page 7 of 53**

- (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
- (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
- (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
- (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
- (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.
- (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
- (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
- (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
- (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
- (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
- (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.
- (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.

DRAFT REVISED 10/12/23

- (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in

*DRAFT REVISED 10/12/23***Case 099-S-23**
Page 9 of 53

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

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“New Illinois Legislature encourages renewable energy facilities in the state, and more importantly, the energy produced from this project will support local Champaign County residences and businesses who subscribe to the 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. There is an existing power line along the south side of CR 0N.

DRAFT REVISED 10/12/23**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Community PV Solar Farms are low impact and will not be injurious to the district or to the public welfare. Further description of project and supporting documentation is included in the narrative of this application.”**
 - B. Regarding surface drainage, the PV SOLAR FARM fenced area generally drains toward the west.
 - C. Regarding traffic in the subject property area:
 - (1) The proposed solar farm would have one access on CR 0N.
 - (2) CR 0N is an unmarked rural road that at times is one car width wide. It is approximately 15 feet wide adjacent to the subject property. It is comprised of oil and chip and has grass shoulders.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2017 near the subject property. CR 0N had an ADT of 150 near the subject property.
 - (4) No significant increase in traffic is expected except during construction of the PV SOLAR FARM.
 - (5) The Pesotum and Tuscola Township Highway Commissioners have been notified of this case and no comments have been received. Tuscola Township has maintenance jurisdiction over CR 0N.
 - (6) The petitioner is working on a Roadway Upgrade and Maintenance Agreement or waiver therefrom with Tuscola Township.
 - D. Regarding fire protection:
 - (1) The subject property is approximately 2.9 road miles from the Pesotum fire station.
 - (2) The petitioners stated in their application materials, “The Applicant has shared the proposed Site plan to the local Pesotum Fire Department and has offered to provide training and necessary equipment to the local emergency response authorities to prepare for proper emergency response during construction of the Project. In addition, the Applicant will create an emergency response plan and solicit input from the Pesotum Fire Department. The Applicant will submit a final site plan and Safety & Emergency Management Plan upon completion of the Project. In addition, the Project proposes a “knox box” on the Project gate for emergency

DRAFT REVISED 10/12/23**Case 099-S-23**
Page 11 of 53

personnel to gain access to the Site. Warning signs concerning voltage will be placed at the base of all pad-mounted transformers.”

- (3) The Pesotum Fire Protection District was notified of this case and no comments have been received.
- E. No part of the subject property is located within a Special Flood Hazard Area.
- F. The subject properties are considered Best Prime Farmland. The Natural Resource Information Report received January 24, 2023, states that the soil on the subject properties consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 198 Elburn silt loam, and has an average Land Evaluation Factor of 100.
- G. Regarding outdoor lighting on the subject property, the application received April 14, 2023, states that there will no outdoor lighting. A special condition has been added to ensure compliance for any future outdoor lighting installation.
- H. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed PV SOLAR FARM.
- I. Regarding parking, there is no required parking for the proposed PV SOLAR FARM.
- J. Regarding public comments received at the July 13, 2023 ZBA meeting:
 (1) Mr. Chris Hausman said he is a drainage commissioner that is in the affected area of this proposed project, and he is also a landowner that butts up against this property. He had a concern about the fence line being too close to the property line and how it might impact farming on adjacent land. He also said that protection of the drainage tile is important for future generations and for the productivity of the farmland that is counting on that drainage tile to drain. He said as one Drainage District commissioner, he believes that a 40-foot easement would be adequate to maintain that district tile.
 (2) Mr. Michael Boyer asked if it made any sense to replace that district tile in the section where the solar project is happening before it happens so that way the maintenance would be reduced on it during its proposed lifetime.
- 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

DRAFT REVISED 10/12/23

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, **“Community PV Solar Farms are authorized as a special use in Champaign County’s agricultural district. The project use conforms to the regulations and standards of the district and will preserve the essential character of the district as well.”**
- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
- (1) Section 5.2 authorizes a PV SOLAR FARM only by a County Board Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts. It is not permitted by right in any district.
 - (2) There is no required parking.
 - (3) Requirements for what must be included in the area of the PV SOLAR FARM Special Use Permit are in subparagraph 6.1.5 B.(1).
 - a. The revised Site Plan received April 14, 2023 appears to conform to this requirement.
 - (4) Requirements which identify certain areas where a PV SOLAR FARM Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).
 - a. Item 6.1.5 B.(2)a. requires a PV SOLAR FARM to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
 - (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
 - i. The subject property is located 1.07 miles of the Village of Pesotum, a municipality with zoning. The PV Solar Farm will not be located in the CUGA.
 - (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
 - i. The petitioner sent an email to the Village of Pesotum Clerk on April 14, 2023 which included the Special Use Permit application.
 - (c) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the

DRAFT REVISED 10/12/23**Case 099-S-23**
Page 13 of 53

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 Pesotum has been received as of ~~July 5~~October 4, 2023.
 - ii. Notice of the July 13, 2023, ZBA public hearing was sent by P&Z Staff to the Village of Pesotum on June 28, 2023.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3):
- a. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
 - (a) The petitioner included an interconnection application with their Special Use Permit application received April 14, 2023.
 - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR FARM 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 has been added to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- a. Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.
- (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The Special Use Permit application received April 14, 2023 shows the separations between the solar farm fence and adjacent buildings and uses.
 - b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
 - (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to be set back from the street centerline a minimum of 40 feet from a

DRAFT REVISED 10/12/23

- MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.
- i. The revised Site Plan received ~~April 14~~September 27, 2023 demonstrates compliance with the 40 feet setback from the centerline of CR 0N, which is a MINOR STREET.
- (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is no required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.
- A. The subject properties meet minimum zoning lot requirements.
- I Subparagraph 6.1.5 D.(3)a. states that for any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
- i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
 - (i) There are no lots that are 10 acres or less in lot area adjacent to the subject property.
 - 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 lots that are 10 acres or less in lot area adjacent to the subject property.
- (d) Subparagraph 6.1.5 D.(3)b. states that for any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
- i. The nearest dwelling or principal building is approximately 1,080 feet from the PV SOLAR FARM fenced area.
 - ii. The PV SOLAR FARM perimeter fencing is at least 10 feet from the SIDE and REAR LOT LINES ~~but is less than 10 feet from the east side LOT LINE. A waiver has been added.~~
- (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.

DRAFT REVISED 10/12/23**Case 099-S-23
Page 15 of 53**

Code Parts 900, 901 and 910 is not exceeded or for other purposes deemed necessary by the BOARD.

- i. There are no proposed additional separations at this time.
- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation.
- i. There is no AIRPORT or RESTRICTED LANDING AREA within 500 feet of the subject property.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- i. There are no new substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
- i. The inverters shown on the revised Site Plan received ~~April 14~~September 27, 2023, are approximately 42 feet away from the PV SOLAR FARM perimeter fence. A waiver has been added.
 - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the Site Plan received April 14, 2023:
 - (i) The inverters are located on the east side of the subject property. The distance between an inverter and the closest dwelling is 2,200 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 12 feet in height at maximum tilt.

DRAFT REVISED 10/12/23

- (j) Subparagraph 6.1.5 D.(8) states that PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.
 - i. The revised Site Plan received April 14September 27, 2023, shows that there is at least 26 feet separation between the property line of any lot more than 10 acres in area and the PV SOLAR FARM fenced area.

- (9) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS. Compliance with paragraph 6.1.5 E. can be summarized as follows:
 - a. Subparagraph 6.1.5 E.(1) requires certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.
 - (a) The Special Use Permit application packet received April 14, 2023, does not include any buildings.

 - b. Subparagraph 6.1.5 E.(2) establishes minimum requirements for electrical components.
 - (a) Part 6.1.5 E.(2)a. states that all electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
 - i. The petitioner stated in their application materials, “The design and construction of the solar farm will meet standards and guidelines as provided by the nationally accepted electric code and will comply with Federal Communications Commission (FCC) requirements.”

 - (b) Part 6.1.5 E.(2)b. states that burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.
 - i. The petitioner stated in their application materials, “The Project proposes underground electrical lines that will be buried to the furthest extent reasonable, in order to avoid drain tiles, at a minimum depth of at least 5 feet below grade and will interconnect into the existing and proposed Ameren Illinois utility poles located off County Road 00 North.”

 - ii. The petitioners contracted with Huddleston McBride Land Drainage Services to complete a drainage tile study received September 27, 2023. In the cover letter received with the study, the petitioners indicated they sent the study and site plans to the Pesotum Drainage District for review. They also indicated they would flag all drain tiles and the arrays will be

DRAFT REVISED 10/12/23**Case 099-S-23
Page 17 of 53**

situated to not hit any of the tiles. They also will utilize a cable management system to reduce trenching.

- c. Subparagraph 6.1.5 E.(3) states that the height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM, and requires the maximum height of all above ground STRUCTURES to be identified in the application and as approved in the SPECIAL USE permit.
 - (a) The petitioner indicated that all above ground structures would be less than twelve feet tall except for the utility poles.
 - d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (a) The petitioner stated in the Special Use Permit application that appropriate warning signs will be posted.
 - 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) Drainage districts have been notified of the proposed project and ~~no comments have been received~~Mr. Chris Hausman, a Drainage District Commissioner, provided comments at the July 13, 2023 ZBA meeting as follows:
 - i. He said that protection of the drainage tile is important for future generations and for the productivity of the farmland that is counting on that drainage tile to drain. He said as one Drainage District commissioner, he believes that a 40-foot easement would be adequate to maintain that district tile.
 - ii. The petitioners provided Pesotum Drainage District with the results of the drainage tile study received September 27, 2023, and no comments have been received from the Drainage District.
 - (b) The subject property does not have a connection to public sewer or water.
 - (c) Champaign County Geographic Information Systems data does not show any gas or hazardous liquid lines on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- a. The soil within the approximate PV SOLAR FARM fenced area is Best Prime Farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, 198A Elburn silt loam, and has an average Land Evaluation score of 100.

DRAFT REVISED 10/12/23

- b. The Applicant is required to sign an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per *505 ILCS 147/15(b)*. A special condition has been added to ensure compliance.
- c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the petitioner stated in their application materials received April 14, 2023, “To control noxious weeds and erosion in the area of the Project, disturbed areas of the Site will be seeded with a native grass mix that will include native wildflowers that are pollinator friendly. The use of native vegetation and/or pollinator-friendly seed mixes supports the habitat of bees, butterflies, wasps, flies, beetles, and other pollinator species needed for agriculture. The seed mix chosen will be native and local to the Illinois environment, which naturally allows the Site to be resilient to droughts and intense downpours.”
- d. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
- (a) The Special Use Permit application received April 14, 2023 states that all underground wiring or cabling will be at a minimum depth of 5 feet below grade.
- (b) In a letter received September 27, 2023, the petitioners indicated they would use a cable management system to reduce trenching.
- e. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
- (a) The petitioner stated on the application, “Should the Project damage any drain tiles on the Project parcel during construction or operation, then the Applicant shall promptly repair or replace those drain tiles. In cooperation with the landowner, Pivot will identify existing drainage infrastructure to avoid during the installation and ongoing operation of the Project. If any drainage district tile lines are located, they will be flagged and protected by a 30-foot-wide, no construction buffer on either side of the drain tile. There are no gas or hazardous liquid pipelines on the Site. The Project will comply with the standards set for in the Agricultural Impact Mitigation Agreement that will be finalized prior to applying for a construction permit.”
- (b) The petitioners contracted with Huddleston McBride Land Drainage Services to complete a drainage tile study received September 27, 2023. In the cover letter received with the study, the petitioners indicated they sent the study and site plans to the Pesotum Drainage

DRAFT REVISED 10/12/23

Case 099-S-23
Page 19 of 53

District for review. They also indicated they would flag all drain tiles and the arrays will be situated to not hit any of the tiles. They also will utilize a cable management system to reduce trenching.

- f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
 - (a) The petitioner stated on the application, “Any conservation practices damaged by construction will be restored by the Applicant to their pre-construction condition and care will be taken to maintain the existing practices to preserve erosion control, flood control, and water quality.”
- g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
 - (a) The petitioner stated on the application, “Should any open trenching be required, the Project will do so in accordance with the trenching requirements listed in the Champaign County Zoning Ordinance.”
- h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
 - (a) The petitioner stated on the application, “Soil compaction and rutting will be mitigated and shall be consistent with the Agricultural Impact Mitigation Agreement.”
- i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) The petitioner did not provide a response in the application materials.
- j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) The petitioner stated on the application, “An Erosion and Sedimentation Control Plan will be designed prior to our application for a building permit and as-build documentation will be provided to the zoning administrator.”
- k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
 - (a) The petitioner did not provide a response in the application materials.
- l. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
 - (a) The petitioner stated on the application, “The Project will minimize disturbance to prime farmland and will be consistent with good engineering practices. As mentioned in the landscaping section, the vegetative ground cover will be comprised of native plant species suitable for the conditions of the Site. This native seeding will be

DRAFT REVISED 10/12/23

oriented towards fostering an environment that is beneficial to pollinators.”

- (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 is in discussion with Tuscola Township regarding this requirement, and a waiver has been added.
 - b. Paragraph 6.1.5 G.(2) requires that the County Engineer and State’s Attorney, or Township Highway Commissioner, or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney, or Township Highway Commissioner, or municipality.
 - (a) The petitioner is in discussion with Tuscola Township regarding this requirement, and a waiver has been added.
 - c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway Use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
 - (a) No information was required or submitted for the Special Use Permit application.
- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- a. The subject property is approximately 2.9 road miles from the Pesotum fire station.
 - b. The petitioners stated in their application materials, “The Applicant has shared the proposed Site plan to the local Pesotum Fire Department and has offered to provide training and necessary equipment to the local emergency response authorities to prepare for proper emergency response during construction of the Project. In addition, the Applicant will create an emergency response plan and solicit input from the Pesotum Fire Department. The Applicant will submit a final site plan and Safety & Emergency Management Plan upon completion of the Project. In addition, the Project proposes a “knox box” on the Project gate for emergency personnel to gain access to the Site. Warning signs concerning voltage will be placed at the base of all pad-mounted transformers.”

DRAFT REVISED 10/12/23**Case 099-S-23
Page 21 of 53**

- c. The Pesotum Fire Protection District was notified of this case and no comments have been received.
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
- (a) The petitioner stated in their application, “The noise level related to the Project will be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations. The proposed single axis tracker ground mount solar photovoltaic has motors for each racking row that moves the panels imperceptible throughout the day. At three meters from the racking motor, the ambient noise level is 43 decibels and the motor running level is 53 decibels. The motor only turns on to move the array periodically as the sun makes its arc, and in between movements it does not run. 43 decibels would be the equivalent of quiet library sounds, and 50 decibels would be the equivalent of your typical residential fridge. The ATI DuraTrack V3 tracker motor operates for a total of 17.91 minutes per day. The transformer that will be used on Site has an average ambient noise level of 53 decibels. From the fence line, the Project will not be audible, and all abovementioned decibel levels are below the allowable octave band listed in Subtitle H: Noise, Parts 901 of the IPCB Administrative Code.”
- b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
- (a) The project size is considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is not required unless the ZBA requires one.
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
- a. The petitioner stated in their application, “The Illinois Department of Natural Resources (IDNR) was consulted through their Ecological Compliance Assessment Tool (EcoCAT) regarding any state-listed threatened or endangered species that may be located within the Project. On November 17, 2022, the EcoCAT results terminated consultation as there were no threatened or endangered species within the Project vicinity. The Project was designed and sited to mitigate impacts to wildlife; there will be no tree removal on Site or drastic change in land configuration.”
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
- a. The petitioner stated in their application, “The State Historic Preservation Office (SHPO) was contacted on October 12, 2022 to review the Site for

DRAFT REVISED 10/12/23

any significant historic, architectural, or archeological resources. In the SHPO's November 18, 2022 response, they determined that there was no significant resources documented within the Site."

- (16) Paragraph 6.1.5 L. states: "The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality."
- a. The petitioner stated in their application, "The Project was designed and sited to mitigate impacts to wildlife; there will be no tree removal on Site or drastic change in land configuration."
- (17) Paragraph 6.1.5 M. contains standard conditions for screening and fencing.
- a. Subparagraph 6.1.5 M.(1) requires the PV SOLAR FARM to have perimeter fencing that is at least 7 feet tall, with Knox boxes and keys provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.
- (a) The petitioner stated in their application, "A 8' chain link fence, or game fence, will be installed to surround the perimeter of the solar equipment components. In addition, the Project proposes a "knox box" on the Project gate for emergency personnel to gain access to the Site."
- (b) The petitioner included a Landscaping Plan in their application, and also stated, "Noxious weeds and other vegetation between the fencing and the lot line will be controlled in accordance with Illinois Noxious Weed Law (505 ILCS 100/1 et. Seq.)."
- b. Subparagraph 6.1.5 M.(2) requires a visual screen around the perimeter of the PV SOLAR FARM.
- (a) Subparagraph 6.1.5 M.(2)a.(a) requires that a visual screen be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT.
- i. The petitioner stated in their application, "The Project does not propose screening as there are no dwellings unrelated to the Project within 1,000 feet of the Site. The one dwelling that is approximately 945 feet from the Project is the Project parcel landowner's (JHBLT LLC) adjacent property and dwelling. The authorized signatory Janet Boyer, a trustee of JHBLT LLC, has signed a waiver for screening attached as Exhibit I."
- (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.

DRAFT REVISED 10/12/23**Case 099-S-23
Page 23 of 53**

- a. The petitioner stated in the application, “The design of the Project is for the solar array to absorb the sunlight, rather than reflect it. The Project will not produce glare, and the array will face the sun for the entirety of the day. Upon review by the Federal Aviation Agency (FAA), a “no determination of hazard” letter was issued. Should any complaints arise due to the Project, the Applicant will work to resolve said complaint submitted through the complaint hotline.”
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. The petitioner stated in the application, “The Applicant will maintain a general liability insurance policy covering bodily injury and property damage with minimum limits of at least \$5 million per occurrence and \$5 million in the aggregate. This policy shall identify landowners as additional insured.”
- (20) Paragraph 6.1.5 P. contains other standard conditions for operation of the PV SOLAR FARM.
- a. Subparagraph 6.1.5 P.(1)c. states: “The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”
- (a) The petitioner stated on the application, “The Applicant does not assume any annual cleaning frequency as the Illinois climate is more humid and has frequent rain events. In Illinois, snow and rainfall help to naturally “clean” the panels, so manual cleaning would be unlikely. However, should there be an abnormally dry year where the Applicant notices production loss due to dust accumulation, then the Applicant would dispatch for cleaning in that instance. When module cleaning is necessary (fairly rare in Illinois), the cleaning service is responsible for trucking in the water required for the cleaning. No on-site well or local utilities would be used as the water source. General data indicates about 6,400 gallons of water used per MW AC per cleaning. This estimate of water usage may vary depending on the provider and cleaning equipment available.”
- b. Subparagraph 6.1.5 P.(3) states: “The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). The weed control plan shall be explained in the application.
- (a) The petitioner submitted a Landscape Plan including a weed control plan received April 14, 2023.

DRAFT REVISED 10/12/23

- c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:
- (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
- i. The petitioner included a signed Decommissioning and Site Reclamation Plan with their application received April 14, 2023 and submitted a revised DSRP received September 27, 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 petitioner's revised Decommissioning and Site Reclamation Plan received ~~April 14~~September 27, 2023 states, "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 Champaign Solar 1 facility."
- (c) Subparagraph 6.1.1 A.3. of the Ordinance requires that separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer and are subject to approval of the BOARD.
- i. The petitioner included cost estimates with their revised Decommissioning and Site Reclamation Plan received ~~April 14~~September 27, 2023."

DRAFT REVISED 10/12/23**Case 099-S-23
Page 25 of 53**

- (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 revised Decommissioning and Site Reclamation Plan received ~~April 28~~September 27, 2023 includes reference to 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. The revised Decommissioning and Site Reclamation Plan received ~~April 28~~September 27, 2023 includes reference to these items.
- (h) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
 - (a) The revised Decommissioning and Site Reclamation Plan received ~~April 14~~September 27, 2023 includes provisions for repairing public streets via a Roadway Use and Repair Agreement and removal of access roads should the landowner require it.

DRAFT REVISED 10/12/23

- 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 received April 28, 2023 includes reference to 6.1.5 Q.(3).
 - d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance. Regarding compliance with this subparagraph:
 - (a) The Letter of Credit must be supplied prior to receiving a Zoning Use Permit.
 - e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
 - (a) The revised Decommissioning and Site Reclamation Plan received ~~April 28~~September 27, 2023 includes reference to 6.1.5 Q.(5).
 - 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 was provided regarding this section in the Decommissioning and Site Reclamation Plan.
 - g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
 - (a) A special condition has been added to ensure compliance.
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- a. The petitioner stated in the application, “The Project will comply with the standards set for in the Agricultural Impact Mitigation Agreement that will be finalized prior to applying for a construction permit.”
 - 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.

*DRAFT REVISED 10/12/23***Case 099-S-23**
Page 27 of 53

- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.
- a. A special condition has been added to ensure compliance.
- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
 - (a) A Project Description was included with the application received April 14, 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 April 14, 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.
 - i. The revised Site Plan received ~~April 14~~September 27, 2023, appears to demonstrate compliance with this requirement.
 - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 B.(1).
 - i. The revised Site Plan received ~~April 14~~September 27, 2023, appears to demonstrate compliance with this requirement.
 - (c) The location of all below-ground wiring.

DRAFT REVISED 10/12/23

- i. The revised Site Plan received ~~April 14~~September 27, 2023, appears to demonstrate compliance with this requirement.
 - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - i. The revised Site Plan received ~~April 14~~September 27, 2023, appears to demonstrate compliance with this requirement.
 - (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM County Board SPECIAL USE Permit. PV SOLAR FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.
 - i. The application received April 14, 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) The Petitioner emailed a copy of the Special Use Permit application to the Village of Pesotum Clerk on April 14, 2023.
- 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).

DRAFT REVISED 10/12/23**Case 099-S-23
Page 29 of 53**

- (a) No resolution from the Village of Pesotum has been received as of ~~July 5~~October 4, 2023.
 - (b) Notice of the July 13, 2023 public hearing was sent by P&Z Staff to the Village of Pesotum on June 28, 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) The petitioner included an application for an interconnection agreement with their Special Use Permit application received April 14, 2023.
 - (b) A special condition has been added to ensure compliance.
- h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.
- (a) ~~No new information has been provided to date.~~On September 27, 2023, the following documents were received from Pivot Energy:
 - i. Cover letter received September 27, 2023
 - ii. Revised DSRP for southern site 1 received September 27, 2023
 - iii. Revised DSRP for northern site 1b received September 27, 2023
 - iv. Drain Tile Survey received September 27, 2023
 - v. Cable Management System specification sheets received September 27, 2023
 - vi. Revised Site plan for southern site 1 received September 27, 2023
 - vii. Revised Site Plan for northern site 1b received September 27, 2023
 - i. Subparagraph 6.1.5 U.(2) requires that the Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction.
 - (a) A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.

DRAFT REVISED 10/12/23

- (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, no part of the subject property is located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in Champaign County's subdivision jurisdiction and appears to be in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-1 Agriculture District because it is only authorized in the AG-1 and AG-2 Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. A PV SOLAR FARM may be authorized by the County Board in the AG-1 or AG-2 Agriculture Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - (1) A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to the following findings:
 - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - B. See Section 15 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY

DRAFT REVISED 10/12/23**Case 099-S-23**
Page 31 of 53

where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the districts provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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 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 is not in a Special Flood Hazard Area.

DRAFT REVISED 10/12/23

- 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.
- (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, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

DRAFT REVISED 10/12/23**Case 099-S-23
Page 33 of 53**

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and no structures exist on the subject property.

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

The subject property is located in the AG-1 Agriculture District and is rural in use.

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

The petitioners requested a natural resource review from the Illinois Department of Natural Resources EcoCAT tool. The review identified no protected resources that might be in the vicinity of the proposed PV Solar Farm. No further action is required by IDNR regarding natural resources.

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

The subject property is located in the AG-1 Agriculture District and is, by definition, rural in 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 subject property is located in the AG-1 Agriculture District and is, by definition, rural in use.

- (15) Paragraph 2.0(r) of the Ordinance states that one purpose of the Ordinance is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.
The entire project area is located in an Agriculture zoning district, which is the only zoning DISTRICT in which a PV SOLAR FARM is authorized.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

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

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

DRAFT REVISED 10/12/23

- A. Regarding Part A of the proposed waivers, for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles:
- (1) There is an interstate and interchange limiting visibility of the PV SOLAR FARM between the Village of Pesotum and the PV SOLAR FARM.
 - (2) The P&Z Department sent the Village of Pesotum Clerk notice of the ZBA hearing for this case on June 28, 2023.
- ~~B. Regarding Part B of the proposed waivers, for a fence that is less than 10 feet from the side property line in lieu of the minimum required 10 feet:~~
- ~~(1) The eastern fence of the PV SOLAR FARM is on the shared property line with the Canadian National railroad tracks.~~
- B. Regarding Part B of the proposed waivers, for inverters that are 42 feet from the PV SOLAR FARM fence in lieu of 275 feet:
- (1) The inverters have been placed as far away as possible from the nearest residences.
- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
- (1) The petitioner is working with Tuscola Township on either a waiver or a Roadway Upgrade and Maintenance Agreement.
 - (2) A special condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit from Tuscola Township.

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

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Without Part A of the proposed waivers, the PV SOLAR FARM could not be located on the subject property.
- ~~B. Without Part B of the proposed waivers, the eastern fence would have to be moved west, which would encroach on the access driveway.~~
- B. Without Part B of the proposed waivers, the inverters would have to be moved farther west, which is closer to the nearest residences.
- C. Without Part C of the proposed waivers, the Special Use Permit process might have to be extended in order to have sufficient time to prepare these documents.

DRAFT REVISED 10/12/23**Case 099-S-23
Page 35 of 53****RELATED TO THE WAIVERS, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT**

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. Regarding Part A of the proposed waivers, for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles:
- (1) The petitioners were not aware of this separation requirement when they leased the land for the PV SOLAR FARM.
- ~~B. Regarding Part B of the proposed waivers, for a fence that is less than 10 feet from the side property line in lieu of the minimum required 10 feet:~~
- ~~(1) The petitioners were not aware of this requirement when they leased the land for the PV SOLAR FARM.~~
- B. Regarding Part B of the proposed waivers, for inverters that are 42 feet from the PV SOLAR FARM fence in lieu of 275 feet:
- (1) The petitioners placed the inverters where they are in order to maintain the greatest distance from the nearest residences.
- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
- (1) The petitioner is working with Tuscola Township to receive either an agreement or a waiver from this requirement.

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

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- A. Regarding Part A of the proposed waivers, for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, the requested waiver (variance) is 71.3% of the minimum required, for a variance of 28.7%.
- ~~B. Regarding Part B of the proposed waivers, for a fence that is less than 10 feet from the side property line in lieu of the minimum required 10 feet: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.~~
- B. Regarding Part B of the proposed waivers, for inverters that are 42 feet from the PV SOLAR FARM fence in lieu of 275 feet: the requested waiver (variance) is 15% of the minimum required, for a variance of 85%.
- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

DRAFT REVISED 10/12/23**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. Pesotum Township and Tuscola Township have been notified of this case, and no comments have been received.
 - B. The Pesotum Fire Protection District has been notified of this case, and no comments have been received.
 - C. Pesotum Consolidated Main Drainage District and Hayes Branch Drainage District have been notified of this case, and no comments have been received related to the waivers.
 - D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:
- A. **The approved site plan consists of the following documents:**
 - Site Plan received ~~April 14~~September 27, 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.**

DRAFT REVISED 10/12/23**Case 099-S-23
Page 37 of 53**

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

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

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

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

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

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

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

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

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**

DRAFT REVISED 10/12/23

6. **(Note: not needed if a waiver is received) A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 099-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

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

DRAFT REVISED 10/12/23

**Case 099-S-23
Page 39 of 53**

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

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

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

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

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

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

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. **A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

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

That drainage district tiles are protected.

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended August 18, 2022.**

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

That the current version of the Zoning Ordinance has been referenced.

DOCUMENTS OF RECORD

1. Special Use Permit Application received April 14, 2023, with attachments:
 - A Site Plan
 - B Supplemental Application Information, including:
 - Project Description
 - Erosion and Sedimentation Control Plan
 - Decommissioning and Site Reclamation Plan
 - Landscaping Plan

2. Natural Resource Report by the Champaign County Soil and Water Conservation District received January 24, 2023

3. Preliminary Memorandum dated July 5, 2023, with attachments:
 - A Case Maps (Location Map, Land Use, and Zoning)
 - B Site Plan received April 14, 2023
 - C Project Narrative received April 14, 2023
 - D Landscaping Plan received April 14, 2023
 - E Inverters spec sheet downloaded April 20, 2023
 - F Solar Module spec sheet downloaded April 20, 2023
 - G Interconnection application received April 14, 2023
 - H Complaint resolution received April 14, 2023
 - I1 Decommissioning and Site Reclamation Plan for Site 1 received April 28, 2023
 - I1b Decommissioning and Site Reclamation Plan for Site 1b received April 28, 2023
 - J Letter waiving screening requirement received April 14, 2023
 - K1 Natural Resource Report by the Champaign County Soil and Water Conservation District for Site 1 received January 24, 2023 *(on ZBA website)*
 - K1b Natural Resource Report by the Champaign County Soil and Water Conservation District for Site 1b received January 24, 2023 *(on ZBA website)*
 - L Site visit images taken April 12, 2023
 - M Summary of Evidence, Summary Finding of Fact and Final Determination dated July 13, 2023

4. Supplemental Memorandum #1 dated October 4, 2023, with attachments:
 - A Legal advertisement
 - B Cover letter received September 27, 2023
 - C Revised DSRP for southern site 1 received September 27, 2023
 - D Revised DSRP for northern site 1b received September 27, 2023
 - E Drain Tile Survey received September 27, 2023
 - F Cable Management System specification sheets received September 27, 2023
 - G Revised Site plan for southern site 1 received September 27, 2023
 - H Revised Site Plan for northern site 1b received September 27, 2023
 - I Case 099-S-23 Revised Summary of Evidence, Summary Finding of Fact and Final Determination dated October 12, 2023
 - J Case 200-S-23 Revised Summary of Evidence, Summary Finding of Fact and Final Determination dated October 12, 2023

DRAFT REVISED 10/12/23**Case 099-S-23
Page 41 of 53****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **099-S-22** held on **July 13, 2023, and October 12, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
 - a. *The State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State's energy coming from renewable sources by the year 2025.*
 - b. *The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.*
 - c. *There is an existing power line along the south side of CR 0N.*

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *The subject property is approximately 2.9 miles from the Pesotum fire station.*
 - b. *The Pesotum Fire Protection District was notified of this case and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - a. *The proposed project is surrounded by land in agricultural production and the nearest residence is about 1,080 feet from the PV SOLAR FARM fenced area.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *No part of the subject property is in the Special Flood Hazard Area.*
 - b. *The proposed project must comply with the Storm Water Management and Erosion Control Ordinance.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *Relevant jurisdictions were notified of this case, and no comments have been received.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *No parking is required for a PV SOLAR FARM.*
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
 - a. *The site is reasonably well-suited in all respects and has no major defects.*

DRAFT REVISED 10/12/23

- 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.
- 6. Regarding necessary waivers of standard conditions:

Per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved individually or *en masse* by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described.”

- A. Regarding Part A of the proposed waivers, for a distance of 1.07 miles between a PV FARM and a municipality with zoning in lieu of the minimum required one and one-half miles:

DRAFT REVISED 10/12/23**Case 099-S-23
Page 43 of 53**

- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. *The requested waiver (variance) is 71.3% of the minimum required, for a variance of 28.7%.*
 - b. *Relevant jurisdictions have been notified of this case, 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. *There is an interstate and interchange limiting visibility of the PV SOLAR FARM between the Village of Pesotum and the PV SOLAR FARM.*
 - b. *Adjacent landowners within 250 feet of the subject property were sent notification of the proposed project on June 28, 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:
 - a. *Without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.*

- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - a. *The petitioners were not aware of this separation requirement when they leased the land for the PV SOLAR FARM.*

- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:

~~B. Regarding Part B of the proposed waivers, for a fence that is less than 10 feet from the side property line in lieu of the minimum required 10 feet:~~

- ~~(1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:

 - a. ~~*The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.*~~
 - b. ~~*Relevant jurisdictions have been notified of this case, 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 eastern fence of the PV SOLAR FARM is on the shared property line with the Canadian National railroad tracks.*~~~~

DRAFT REVISED 10/12/23

- ~~(3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:~~
- ~~a. **The eastern fence would have to be moved west, which would encroach on the access driveway.**~~
- ~~(4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:~~
- ~~a. **The petitioners were not aware of this requirement when they leased the land for the PV SOLAR FARM.**~~
- ~~(5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:~~

B. Regarding Part **B** of the proposed waivers, for inverters that are 42 feet from the PV SOLAR FARM fence in lieu of 275 feet:

- (1) The waiver **{IS / IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL / WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. **The requested waiver (variance) is 15% of the minimum required, for a variance of 85%.**
- b. **Relevant jurisdictions have been notified of this case, 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 inverters have been placed as far away as possible from the nearest residences.**
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
- a. **The inverters would have to be moved farther west, which is closer to the nearest residences.**
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. **The petitioners placed the inverters where they are in order to maintain the greatest distance from the nearest residences.**
- (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:

DRAFT REVISED 10/12/23**Case 099-S-23
Page 45 of 53**

- C.** Regarding Part **C** of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. *The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.*
 - b. *A special condition has been added requiring this information prior to approval of 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:
 - a. *The petitioner is working with Tuscola Township on either a waiver or a Roadway Upgrade and Maintenance Agreement.*
 - b. *A special condition has been added requiring this information prior to approval of a Zoning Use Permit.*
 - (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 Special Use Permit process might have to be extended in order to have sufficient time to prepare this document.*
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - a. *The petitioner is working with Tuscola Township to receive either an agreement or a waiver from this requirement.*
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS/ IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:

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

- A. **The approved site plan consists of the following documents:**
- Site Plan received **April 14** ~~September 27~~, 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.**

DRAFT REVISED 10/12/23

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**

DRAFT REVISED 10/12/23**Case 099-S-23
Page 47 of 53**

3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. *(Note: not needed if a waiver is received)* **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 099-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

DRAFT REVISED 10/12/23

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

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

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

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

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

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

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. **A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

DRAFT REVISED 10/12/23

Case 099-S-23
Page 49 of 53

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

That drainage district tiles are protected.

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended August 18, 2022.**

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

That the current version of the Zoning Ordinance has been referenced.

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 **099-S-23** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Champaign Solar 1 LLC**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

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

{SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:}

Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

~~**Part B:** A waiver for a fence that is less than 10 feet from the side property line in lieu of the minimum required 10 feet, per Section 6.1.5 D.(3)b.~~

Part B: A waiver for a separation distance of 42 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

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

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. The approved site plan consists of the following documents:
 - Site Plan received ~~April 14~~September 27, 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.

DRAFT REVISED 10/12/23**Case 099-S-23
Page 51 of 53**

- E. **A signed Decommissioning and Site Reclamation Plan that has been approved by the Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.**
- F. *(Note: not needed if a waiver is received)* **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by Tuscola Township and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**
- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 6. *(Note: not needed if a waiver is received)* **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
 7. **The telephone number for the complaint hotline required by 6.1.5 S.**
 8. **Any updates to the approved Site Plan from Case 099-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

DRAFT REVISED 10/12/23

- H. **A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**
 2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
 3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**
- I. **The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
1. **Maintain the pollinator plantings in perpetuity.**
 2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
 3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
 4. **Maintain a current general liability policy as required by 6.1.5 O.**
 5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
 6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
 7. **Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**
- J. **The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**
- K. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

DRAFT REVISED 10/12/23

**Case 099-S-23
Page 53 of 53**

- L. A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

- M. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended August 18, 2022.**

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

DRAFT REVISED 10/12/23

100-S-23

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ~~*July 13, 2023*~~ ***October 12, 2023***

Petitioners: **Champaign Solar 1b LLC, via agent Merrill Read, with participating landowner JHBLT LLC**

Request: **Authorize a second Community PV Solar Farm with a total nameplate capacity of 5 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:**

Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

Part B: A waiver for a separation distance of 10 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

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

Other waivers may be necessary.

Table of Contents

General Application Information.....2 - 3
Specific Ordinance Requirements.....3 - 9
Special Use Evidence9 - 39
Documents of Record..... 40
Case 100-S-23 Finding of Fact41 - 48
Case 100-S-23 Final Determination..... 49 – 52

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 13, 2023, and October 12, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Champaign Solar 1b LLC, 1601 Wewatta St, Suite 700, Denver, CO 80202, a subsidiary of Pivot Energy Development LLC, with CEO Tom Hunt; via agent Merrill Read, and participating landowner JHBLT LLC, 305 E Sale St, Tuscola, IL 61953 are the developers of the proposed PV Solar Farm.
2. The subject property is a 90-acre tract of land west of the Canadian National Railroad in the Southeast Quarter of Section 34, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township, and commonly known as farmland owned by JHBLT LLC on the north side of CR 0N.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located 1.1 miles from the Village of Pesotum, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases. The Village of Pesotum does not have a one and one-half mile extra-territorial jurisdiction because it does not have a Comprehensive Plan.
 - B. The subject property is located within Pesotum Township, which does not have a Planning Commission. Townships with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
 - A. The 90-acre subject property is zoned AG-1 Agriculture and is currently in agricultural production.
 - (1) The proposed PV SOLAR FARM would be located on approximately 26.7 acres of the subject property.
 - B. Land north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land south of the subject property is in Douglas County, which does not have zoning; land use is agricultural production.
 - D. Land west of the subject property is zoned AG-1 Agriculture and land is in agricultural production.
 - (1) There is a residence 1,700 feet west of the subject property and another approximately 850 feet southwest of the subject property.
 - E. Land east of the subject property on the other side of the railroad is zoned AG-1 Agriculture and is in agricultural production.

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 3 of 52**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the Site plan for the proposed Special Use received April 14, 2023:
- A. The Site Plan includes the following proposed features:
- (1) One 5-megawatt community PV SOLAR FARM site on approximately 26.7 acres; and
 - (2) 8-feet tall perimeter fence; and
 - (3) One equipment pad located approximately 1,975 feet north of the CR 0N centerline; and
 - (4) A minimum 16-foot wide gravel access road extending approximately 2,170 feet north from CR 0N; and
 - (5) A gated security entrance approximately 60 feet north of the centerline of CR 0N; and
 - (6) The Point of Interconnection (POI) is proposed to connect to an existing power line that runs along the south side of CR 0N; and
 - (7) The nearest parcel 10 acres or less in area is 1,933 feet from the solar farm fenced area; and
 - (8) The nearest parcel greater than 10 acres in area is 60 feet from the solar farm fenced area, and the nearest principal building on that property is approximately 1,875 feet from the fenced area; and
 - (9) The nearest residence is approximately 1,500 feet to the northeast from the solar farm fenced area; and
 - (10) There is a separation of 60 feet between the PV SOLAR FARM perimeter fence and the street centerline of CR 0N.
- B. A revised Site Plan received September 27, 2023 includes all items listed above as well as all drainage tiles found during a drainage tile survey.
- C. There are no previous Zoning Use Permits for the subject property.
- D. There are no previous Zoning Cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

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

DRAFT REVISED 10/12/23

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

B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
- (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
- (4) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
- (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (8) “LOT LINES” are the lines bounding a LOT.
- (9) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 5 of 52

- (10) “NON-ADAPTABLE STRUCTURE” is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE).
- (11) “NOXIOUS WEEDS” are any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.
- (12) “PHOTOVOLTAIC (PV)” is a type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.
- (13) “PV SOLAR FARM” is a unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and waterwells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.
- (14) “PV SOLAR FARM, COMMUNITY” is a PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
- (15) “PRIVATE WAIVER” is a written statement asserting that a landowner has agreed to waive a specific WIND FARM or PV SOLAR FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.
- (16) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (17) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (18) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.

DRAFT REVISED 10/12/23

- (19) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
 - (20) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (21) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (22) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- C. Section 5.2 only authorizes a “PV SOLAR FARM” in the AG-1 or AG-2 Zoning Districts and requires a Special Use Permit authorized by the County Board.
- D. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- E. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
 - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 7 of 52

- (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
- (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
- (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
- (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
- (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.
- (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
- (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
- (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
- (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
- (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
- (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.
- (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.

DRAFT REVISED 10/12/23

- (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in

DRAFT REVISED 10/12/23**Case 100-S-23
Page 9 of 52**

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

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“New Illinois Legislature encourages renewable energy facilities in the state, and more importantly, the energy produced from this project will support local Champaign County residences and businesses who subscribe to the 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. There is an existing power line along the south side of CR 0N.

DRAFT REVISED 10/12/23**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Community PV Solar Farms are low impact and will not be injurious to the district or to the public welfare. Further description of project and supporting documentation is included in the narrative of this application.”**
 - B. Regarding surface drainage, the PV SOLAR FARM fenced area generally drains toward the west.
 - C. Regarding traffic in the subject property area:
 - (1) The proposed solar farm would have one access on CR 0N.
 - (2) CR 0N is an unmarked rural road that at times is one car width wide. It is approximately 15 feet wide adjacent to the subject property. It is comprised of oil and chip and has grass shoulders.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2017 near the subject property. CR 0N had an ADT of 150 near the subject property.
 - (4) No significant increase in traffic is expected except during construction of the PV SOLAR FARM.
 - (5) The Pesotum and Tuscola Township Highway Commissioners have been notified of this case and no comments have been received. Tuscola Township has maintenance jurisdiction over CR 0N.
 - (6) The petitioner is working on a Roadway Upgrade and Maintenance Agreement or waiver therefrom with Tuscola Township.
 - D. Regarding fire protection:
 - (1) The subject property is approximately 2.9 road miles from the Pesotum fire station.
 - (2) The petitioners stated in their application materials, “The Applicant has shared the proposed Site plan to the local Pesotum Fire Department and has offered to provide training and necessary equipment to the local emergency response authorities to prepare for proper emergency response during construction of the Project. In addition, the Applicant will create an emergency response plan and solicit input from the Pesotum Fire Department. The Applicant will submit a final site plan and Safety & Emergency Management Plan upon completion of the Project. In addition, the Project proposes a “knox box” on the Project gate for emergency

DRAFT REVISED 10/12/23**Case 100-S-23
Page 11 of 52**

personnel to gain access to the Site. Warning signs concerning voltage will be placed at the base of all pad-mounted transformers.”

- (3) The Pesotum Fire Protection District was notified of this case and no comments have been received.
- E. No part of the subject property is located within a Special Flood Hazard Area.
- F. The subject properties are considered Best Prime Farmland. The Natural Resource Information Report received January 24, 2023, states that the soil on the subject properties consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 198 Elburn silt loam, and has an average Land Evaluation Factor of 100.
- G. Regarding outdoor lighting on the subject property, the application received April 14, 2023, states that there will no outdoor lighting. A special condition has been added to ensure compliance for any future outdoor lighting installation.
- H. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed PV SOLAR FARM.
- I. Regarding parking, there is no required parking for the proposed PV SOLAR FARM.
- J. Regarding public comments received at the July 13, 2023 ZBA meeting:
 (1) Mr. Chris Hausman said he is a drainage commissioner that is in the affected area of this proposed project, and he is also a landowner that butts up against this property. He had a concern about the fence line being too close to the property line and how it might impact farming on adjacent land. He also said that protection of the drainage tile is important for future generations and for the productivity of the farmland that is counting on that drainage tile to drain. He said as one Drainage District commissioner, he believes that a 40-foot easement would be adequate to maintain that district tile.
- (2) Mr. Michael Boyer asked if it made any sense to replace that district tile in the section where the solar project is happening before it happens so that way the maintenance would be reduced on it during its proposed lifetime.
- 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

DRAFT REVISED 10/12/23

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, **“Community PV Solar Farms are authorized as a special use in Champaign County’s agricultural district. The project use conforms to the regulations and standards of the district and will preserve the essential character of the district as well.”**
- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
- (1) Section 5.2 authorizes a PV SOLAR FARM only by a County Board Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts. It is not permitted by right in any district.
 - (2) There is no required parking.
 - (3) Requirements for what must be included in the area of the PV SOLAR FARM Special Use Permit are in subparagraph 6.1.5 B.(1).
 - a. The revised Site Plan received ~~April 14~~September 27, 2023 appears to conform to this requirement.
 - (4) Requirements which identify certain areas where a PV SOLAR FARM Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).
 - a. Item 6.1.5 B.(2)a. requires a PV SOLAR FARM to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
 - (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
 - i. The subject property is located 1.07 miles of the Village of Pesotum, a municipality with zoning. The PV Solar Farm will not be located in the CUGA.
 - (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
 - i. The petitioner sent an email to the Village of Pesotum Clerk on April 14, 2023 which included the Special Use Permit application.
 - (c) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 13 of 52

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 Pesotum has been received as of ~~July 5~~October 4, 2023.
 - ii. Notice of the July 13, 2023, ZBA public hearing was sent by P&Z Staff to the Village of Pesotum on June 28, 2023.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3):
- a. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
 - (a) The petitioner included an interconnection application with their Special Use Permit application received April 14, 2023.
 - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR FARM 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 has been added to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- a. Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.
- (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The Special Use Permit application received April 14, 2023 shows the separations between the solar farm fence and adjacent buildings and uses.
 - b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
 - (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to be set back from the street centerline a minimum of 40 feet from a

DRAFT REVISED 10/12/23

- MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.
- i. The revised Site Plan received ~~April 14~~ September 27, 2023 demonstrates compliance with the 40 feet setback from CR ON, which is a MINOR STREET.
- (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is no required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.
 - a. The subject properties meet minimum zoning lot requirements.
 - (c) Subparagraph 6.1.5 D.(3)a. states that for any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
 - i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
 - (i) There are no lots that are 10 acres or less in lot area adjacent to the subject property.
 - 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 lots that are 10 acres or less in lot area adjacent to the subject property.
 - (d) Subparagraph 6.1.5 D.(3)b. states that for any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
 - i. The nearest dwelling or principal building is approximately 1,080 feet from the PV SOLAR FARM fenced area.
 - ii. The PV SOLAR FARM perimeter fencing is at least 10 feet from the REAR LOT LINE and SIDE LOT LINE.
 - (e) Subparagraph 6.1.5 D.(3)c. states that additional separation may be required to ensure that the noise level required by 35 Ill. Admin.

DRAFT REVISED 10/12/23**Case 100-S-23
Page 15 of 52**

- Code Parts 900, 901 and 910 is not exceeded or for other purposes deemed necessary by the BOARD.
- i. There are no proposed additional separations at this time.
- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation.
- i. There is no AIRPORT or RESTRICTED LANDING AREA within 500 feet of the subject property.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- i. There are no new substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
- i. The inverters shown on the revised Site Plan received ~~April 14~~September 27, 2023, are approximately 10 feet away from the PV SOLAR FARM perimeter fence. A waiver has been added.
 - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the revised Site Plan received ~~April 14~~September 27, 2023:
 - (i) The inverters are located on the east side of the subject property. The distance between an inverter and the closest dwelling is 2,000 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 12 feet in height at maximum tilt.

DRAFT REVISED 10/12/23

- (j) Subparagraph 6.1.5 D.(8) states that PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.
- i. The revised Site Plan received April 14~~September 27~~, 2023, shows that there is at least 26 feet separation between the property line of any lot more than 10 acres in area and the PV SOLAR FARM fenced area.
- (9) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS. Compliance with paragraph 6.1.5 E. can be summarized as follows:
- a. Subparagraph 6.1.5 E.(1) requires certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.
 - (a) The Special Use Permit application packet received April 14, 2023, does not include any buildings.
 - b. Subparagraph 6.1.5 E.(2) establishes minimum requirements for electrical components.
 - (a) Part 6.1.5 E.(2)a. states that all electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
 - i. The petitioner stated in their application materials, “The design and construction of the solar farm will meet standards and guidelines as provided by the nationally accepted electric code and will comply with Federal Communications Commission (FCC) requirements.”
 - (b) Part 6.1.5 E.(2)b. states that burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.
 - i. The petitioner stated in their application materials, “The Project proposes underground electrical lines that will be buried to the furthest extent reasonable, in order to avoid drain tiles, at a minimum depth of at least 5 feet below grade and will interconnect into the existing and proposed Ameren Illinois utility poles located off County Road 00 North.”
 - ii. The petitioners contracted with Huddleston McBride Land Drainage Services to complete a drainage tile study received September 27, 2023. In the cover letter received with the study, the petitioners indicated they sent the study and site plans to the Pesotum Drainage District for review. They also indicated they would flag all drain tiles and the arrays will be

DRAFT REVISED 10/12/23**Case 100-S-23
Page 17 of 52**

situated to not hit any of the tiles. They also will utilize a cable management system to reduce trenching.

- c. Subparagraph 6.1.5 E.(3) states that the height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM, and requires the maximum height of all above ground STRUCTURES to be identified in the application and as approved in the SPECIAL USE permit.
 - (a) The petitioner indicated that all above ground structures would be less than twelve feet tall except for the utility poles.
 - d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (a) The petitioner stated in the Special Use Permit application that appropriate warning signs will be posted.
 - 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) Drainage districts have been notified of the proposed project and ~~no comments have been received~~Mr. Chris Hausman, a Drainage District Commissioner, provided comments at the July 13, 2023 ZBA meeting as follows:
 - i. He said that protection of the drainage tile is important for future generations and for the productivity of the farmland that is counting on that drainage tile to drain. He said as one Drainage District commissioner, he believes that a 40-foot easement would be adequate to maintain that district tile.
 - ii. The petitioners provided Pesotum Drainage District with the results of the drainage tile study received September 27, 2023, and no comments have been received from the Drainage District.
 - (b) The subject property does not have a connection to public sewer or water.
 - (c) Champaign County Geographic Information Systems data does not show any gas or hazardous liquid lines on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- a. The soil within the approximate PV SOLAR FARM fenced area is Best Prime Farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, 198A Elburn silt loam, and has an average Land Evaluation score of 100.

DRAFT REVISED 10/12/23

- b. The Applicant is required to sign an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per *505 ILCS 147/15(b)*. A special condition has been added to ensure compliance.
- c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the petitioner stated in their application materials received April 14, 2023, “To control noxious weeds and erosion in the area of the Project, disturbed areas of the Site will be seeded with a native grass mix that will include native wildflowers that are pollinator friendly. The use of native vegetation and/or pollinator-friendly seed mixes supports the habitat of bees, butterflies, wasps, flies, beetles, and other pollinator species needed for agriculture. The seed mix chosen will be native and local to the Illinois environment, which naturally allows the Site to be resilient to droughts and intense downpours.”
- d. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
- (a) The Special Use Permit application received April 14, 2023 states that all underground wiring or cabling will be at a minimum depth of 5 feet below grade.
- (b) In a letter received September 27, 2023, the petitioners indicated they would use a cable management system to reduce trenching.
- e. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
- (a) The petitioner stated on the application, “Should the Project damage any drain tiles on the Project parcel during construction or operation, then the Applicant shall promptly repair or replace those drain tiles. In cooperation with the landowner, Pivot will identify existing drainage infrastructure to avoid during the installation and ongoing operation of the Project. If any drainage district tile lines are located, they will be flagged and protected by a 30-foot-wide, no construction buffer on either side of the drain tile. There are no gas or hazardous liquid pipelines on the Site. The Project will comply with the standards set for in the Agricultural Impact Mitigation Agreement that will be finalized prior to applying for a construction permit.”
- (b) The petitioners contracted with Huddleston McBride Land Drainage Services to complete a drainage tile study received September 27, 2023. In the cover letter received with the study, the petitioners

DRAFT REVISED 10/12/23**Case 100-S-23
Page 19 of 52**

indicated they sent the study and site plans to the Pesotum Drainage District for review. They also indicated they would flag all drain tiles and the arrays will be situated to not hit any of the tiles. They also will utilize a cable management system to reduce trenching.

- f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
 - (a) The petitioner stated on the application, “Any conservation practices damaged by construction will be restored by the Applicant to their pre-construction condition and care will be taken to maintain the existing practices to preserve erosion control, flood control, and water quality.”
- g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
 - (a) The petitioner stated on the application, “Should any open trenching be required, the Project will do so in accordance with the trenching requirements listed in the Champaign County Zoning Ordinance.”
- h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
 - (a) The petitioner stated on the application, “Soil compaction and rutting will be mitigated and shall be consistent with the Agricultural Impact Mitigation Agreement.”
- i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) The petitioner did not provide a response in the application materials.
- j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) The petitioner stated on the application, “An Erosion and Sedimentation Control Plan will be designed prior to our application for a building permit and as-build documentation will be provided to the zoning administrator.”
- k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
 - (a) The petitioner did not provide a response in the application materials.
- l. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
 - (a) The petitioner stated on the application, “The Project will minimize disturbance to prime farmland and will be consistent with good engineering practices. As mentioned in the landscaping section, the vegetative ground cover will be comprised of native plant species suitable for the conditions of the Site. This native seeding will be

DRAFT REVISED 10/12/23

oriented towards fostering an environment that is beneficial to pollinators.”

- (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 is in discussion with Tuscola Township regarding this requirement, and a waiver has been added.
 - b. Paragraph 6.1.5 G.(2) requires that the County Engineer and State’s Attorney, or Township Highway Commissioner, or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney, or Township Highway Commissioner, or municipality.
 - (a) The petitioner is in discussion with Tuscola Township regarding this requirement, and a waiver has been added.
 - c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway Use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
 - (a) No information was required or submitted for the Special Use Permit application.
- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- a. The subject property is approximately 2.9 road miles from the Pesotum fire station.
 - b. The petitioners stated in their application materials, “The Applicant has shared the proposed Site plan to the local Pesotum Fire Department and has offered to provide training and necessary equipment to the local emergency response authorities to prepare for proper emergency response during construction of the Project. In addition, the Applicant will create an emergency response plan and solicit input from the Pesotum Fire Department. The Applicant will submit a final site plan and Safety & Emergency Management Plan upon completion of the Project. In addition, the Project proposes a “knox box” on the Project gate for emergency personnel to gain access to the Site. Warning signs concerning voltage will be placed at the base of all pad-mounted transformers.”

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 21 of 52

- c. The Pesotum Fire Protection District was notified of this case and no comments have been received.
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
- (a) The petitioner stated in their application, “The noise level related to the Project will be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations. The proposed single axis tracker ground mount solar photovoltaic has motors for each racking row that moves the panels imperceptible throughout the day. At three meters from the racking motor, the ambient noise level is 43 decibels and the motor running level is 53 decibels. The motor only turns on to move the array periodically as the sun makes its arc, and in between movements it does not run. 43 decibels would be the equivalent of quiet library sounds, and 50 decibels would be the equivalent of your typical residential fridge. The ATI DuraTrack V3 tracker motor operates for a total of 17.91 minutes per day. The transformer that will be used on Site has an average ambient noise level of 53 decibels. From the fence line, the Project will not be audible, and all abovementioned decibel levels are below the allowable octave band listed in Subtitle H: Noise, Parts 901 of the IPCB Administrative Code.”
- b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
- (a) The project size is considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is not required unless the ZBA requires one.
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
- a. The petitioner stated in their application, “The Illinois Department of Natural Resources (IDNR) was consulted through their Ecological Compliance Assessment Tool (EcoCAT) regarding any state-listed threatened or endangered species that may be located within the Project. On November 17, 2022, the EcoCAT results terminated consultation as there were no threatened or endangered species within the Project vicinity. The Project was designed and sited to mitigate impacts to wildlife; there will be no tree removal on Site or drastic change in land configuration.”
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
- a. The petitioner stated in their application, “The State Historic Preservation Office (SHPO) was contacted on October 12, 2022 to review the Site for

DRAFT REVISED 10/12/23

any significant historic, architectural, or archeological resources. In the SHPO's November 18, 2022 response, they determined that there was no significant resources documented within the Site."

- (16) Paragraph 6.1.5 L. states: "The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality."
- a. The petitioner stated in their application, "The Project was designed and sited to mitigate impacts to wildlife; there will be no tree removal on Site or drastic change in land configuration."
- (17) Paragraph 6.1.5 M. contains standard conditions for screening and fencing.
- a. Subparagraph 6.1.5 M.(1) requires the PV SOLAR FARM to have perimeter fencing that is at least 7 feet tall, with Knox boxes and keys provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.
- (a) The petitioner stated in their application, "A 8' chain link fence, or game fence, will be installed to surround the perimeter of the solar equipment components. In addition, the Project proposes a "knox box" on the Project gate for emergency personnel to gain access to the Site."
- (b) The petitioner included a Landscaping Plan in their application, and also stated, "Noxious weeds and other vegetation between the fencing and the lot line will be controlled in accordance with Illinois Noxious Weed Law (505 ILCS 100/1 et. Seq.)."
- b. Subparagraph 6.1.5 M.(2) requires a visual screen around the perimeter of the PV SOLAR FARM.
- (a) Subparagraph 6.1.5 M.(2)a.(a) requires that a visual screen be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT.
- i. The petitioner stated in their application, "The Project does not propose screening as there are no dwellings unrelated to the Project within 1,000 feet of the Site. The one dwelling that is approximately 945 feet from the Project is the Project parcel landowner's (JHBLT LLC) adjacent property and dwelling. The authorized signatory Janet Boyer, a trustee of JHBLT LLC, has signed a waiver for screening attached as Exhibit I."
- (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.

DRAFT REVISED 10/12/23**Case 100-S-23
Page 23 of 52**

- a. The petitioner stated in the application, “The design of the Project is for the solar array to absorb the sunlight, rather than reflect it. The Project will not produce glare, and the array will face the sun for the entirety of the day. Upon review by the Federal Aviation Agency (FAA), a “no determination of hazard” letter was issued. Should any complaints arise due to the Project, the Applicant will work to resolve said complaint submitted through the complaint hotline.”
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. The petitioner stated in the application, “The Applicant will maintain a general liability insurance policy covering bodily injury and property damage with minimum limits of at least \$5 million per occurrence and \$5 million in the aggregate. This policy shall identify landowners as additional insured.”
- (20) Paragraph 6.1.5 P. contains other standard conditions for operation of the PV SOLAR FARM.
- a. Subparagraph 6.1.5 P.(1)c. states: “The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”
- (a) The petitioner stated on the application, “The Applicant does not assume any annual cleaning frequency as the Illinois climate is more humid and has frequent rain events. In Illinois, snow and rainfall help to naturally “clean” the panels, so manual cleaning would be unlikely. However, should there be an abnormally dry year where the Applicant notices production loss due to dust accumulation, then the Applicant would dispatch for cleaning in that instance. When module cleaning is necessary (fairly rare in Illinois), the cleaning service is responsible for trucking in the water required for the cleaning. No on-site well or local utilities would be used as the water source. General data indicates about 6,400 gallons of water used per MW AC per cleaning. This estimate of water usage may vary depending on the provider and cleaning equipment available.”
- b. Subparagraph 6.1.5 P.(3) states: “The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). The weed control plan shall be explained in the application.
- (a) The petitioner submitted a Landscape Plan including a weed control plan received April 14, 2023.

DRAFT REVISED 10/12/23

- c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:
- (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
- i. The petitioner included a signed Decommissioning and Site Reclamation Plan with their application received April 14, 2023 and a revised DSRP was received September 27, 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 petitioner's revised Decommissioning and Site Reclamation Plan received ~~April 14~~September 27, 2023 states, "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 Champaign Solar 1 facility."
- (c) Subparagraph 6.1.1 A.3. of the Ordinance requires that separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer and are subject to approval of the BOARD.
- i. The petitioner included cost estimates with their revised Decommissioning and Site Reclamation Plan received ~~April 14~~September 27, 2023."

DRAFT REVISED 10/12/23**Case 100-S-23
Page 25 of 52**

- (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 revised Decommissioning and Site Reclamation Plan received ~~April 28~~September 27, 2023 includes reference to 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. The revised Decommissioning and Site Reclamation Plan received ~~April 28~~September 27, 2023 includes reference to these items.
- (h) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
 - (a) The revised Decommissioning and Site Reclamation Plan received ~~April 14~~September 27, 2023 includes provisions for repairing public streets via a Roadway Use and Repair Agreement and removal of access roads should the landowner require it.

DRAFT REVISED 10/12/23

- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
 - (a) The revised Decommissioning and Site Reclamation Plan received ~~April 28~~September 27, 2023 includes reference to 6.1.5 Q.(3).
 - d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance. Regarding compliance with this subparagraph:
 - (a) The Letter of Credit must be supplied prior to receiving a Zoning Use Permit.
 - e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
 - (a) The revised Decommissioning and Site Reclamation Plan received ~~April 28~~September 27, 2023 includes reference to 6.1.5 Q.(5).
 - 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 was provided regarding this section in the Decommissioning and Site Reclamation Plan.
 - g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
 - (a) A special condition has been added to ensure compliance.
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- a. The petitioner stated in the application, “The Project will comply with the standards set for in the Agricultural Impact Mitigation Agreement that will be finalized prior to applying for a construction permit.”
 - 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.

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 27 of 52

- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.
- a. A special condition has been added to ensure compliance.
- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
 - (a) A Project Description was included with the application received April 14, 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 April 14, 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.
 - i. The revised Site Plan received ~~April 14~~September 27, 2023, appears to demonstrate compliance with this requirement.
 - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 B.(1).
 - i. The revised Site Plan received ~~April 14~~September 27, 2023, appears to demonstrate compliance with this requirement.
 - (c) The location of all below-ground wiring.

DRAFT REVISED 10/12/23

- i. The revised Site Plan received ~~April 14~~September 27, 2023, appears to demonstrate compliance with this requirement.
 - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
 - i. The revised Site Plan received ~~April 14~~September 27, 2023, appears to demonstrate compliance with this requirement.
 - (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM County Board SPECIAL USE Permit. PV SOLAR FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.
 - i. The application received April 14, 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) The Petitioner emailed a copy of the Special Use Permit application to the Village of Pesotum Clerk on April 14, 2023.
- 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).

DRAFT REVISED 10/12/23**Case 100-S-23
Page 29 of 52**

- (a) No resolution from the Village of Pesotum has been received as of ~~July 5~~October 4, 2023.
 - (b) Notice of the July 13, 2023 public hearing was sent by P&Z Staff to the Village of Pesotum on June 28, 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) The petitioner included an application for an interconnection agreement with their Special Use Permit application received April 14, 2023.
 - (b) A special condition has been added to ensure compliance.
- h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.
- (a) ~~No new information has been provided to date.~~ On September 27, 2023, the following documents were received from Pivot Energy:
 - i. Cover letter received September 27, 2023
 - ii. Revised DSRP for southern site 1 received September 27, 2023
 - iii. Revised DSRP for northern site 1b received September 27, 2023
 - iv. Drain Tile Survey received September 27, 2023
 - v. Cable Management System specification sheets received September 27, 2023
 - vi. Revised Site plan for southern site 1 received September 27, 2023
 - vii. Revised Site Plan for northern site 1b received September 27, 2023
 - i. Subparagraph 6.1.5 U.(2) requires that the Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction.
 - (a) A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.

DRAFT REVISED 10/12/23

- (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, no part of the subject property is located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in Champaign County's subdivision jurisdiction and appears to be in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-1 Agriculture District because it is only authorized in the AG-1 and AG-2 Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. A PV SOLAR FARM may be authorized by the County Board in the AG-1 or AG-2 Agriculture Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - (1) A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to the following findings:
 - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - B. See Section 15 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 31 of 52

where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the districts provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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 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 is not in a Special Flood Hazard Area.

DRAFT REVISED 10/12/23

- 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.
- (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, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 33 of 52

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and no structures exist on the subject property.

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

The subject property is located in the AG-1 Agriculture District and is rural in use.

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

The petitioners requested a natural resource review from the Illinois Department of Natural Resources EcoCAT tool. The review identified no protected resources that might be in the vicinity of the proposed PV Solar Farm. No further action is required by IDNR regarding natural resources.

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

The subject property is located in the AG-1 Agriculture District and is, by definition, rural in 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 subject property is located in the AG-1 Agriculture District and is, by definition, rural in use.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

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

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

DRAFT REVISED 10/12/23

- A. Regarding Part A of the proposed waivers, for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles:
 - (1) There is an interstate and interchange limiting visibility of the PV SOLAR FARM between the Village of Pesotum and the PV SOLAR FARM.
 - (2) The P&Z Department sent the Village of Pesotum Clerk notice of the ZBA hearing for this case on June 28, 2023.
- B. Regarding Part C of the proposed waivers, for inverters that are 10 feet from the PV SOLAR FARM fence in lieu of 275 feet:
 - (1) The inverters have been placed as far away as possible from the nearest residences.
- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
 - (1) The petitioner is working with Tuscola Township on either a waiver or a Roadway Upgrade and Maintenance Agreement.
 - (2) A special condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit from Tuscola Township.

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

- 13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. Without Part A of the proposed waivers, the PV SOLAR FARM could not be located on the subject property.
 - B. Without Part B of the proposed waivers, the inverters would have to be moved farther west, which is closer to the nearest residences.
 - C. Without Part C of the proposed waivers, the Special Use Permit process might have to be extended in order to have sufficient time to prepare these documents.

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

- 14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. Regarding Part A of the proposed waivers, for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles:
 - (1) The petitioners were not aware of this separation requirement when they leased the land for the PV SOLAR FARM.

DRAFT REVISED 10/12/23**Case 100-S-23**
Page 35 of 52

- B. Regarding Part B of the proposed waivers, for inverters that are 10 feet from the PV SOLAR FARM fence in lieu of 275 feet:
 - (1) The petitioners placed the inverters where they are in order to maintain the greatest distance from the nearest residences.

- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
 - (1) The petitioner is working with Tuscola Township to receive either an agreement or a waiver from this requirement.

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

- 15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - A. Regarding Part A of the proposed waivers, for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, the requested waiver (variance) is 71.3% of the minimum required, for a variance of 28.7%.
 - B. Regarding Part B of the proposed waivers, for inverters that are 10 feet from the PV SOLAR FARM fence in lieu of 275 feet: the requested waiver (variance) is 3.6% of the minimum required, for a variance of 96.4%.
 - C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

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. Pesotum Township and Tuscola Township have been notified of this case, and no comments have been received.
 - B. The Pesotum Fire Protection District has been notified of this case, and no comments have been received.
 - C. Pesotum Consolidated Main Drainage District and Hayes Branch Drainage District have been notified of this case, and no comments have been received [related to the waivers](#).
 - D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:

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

- Site Plan received ~~April 14~~September 27, 2023.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRAFT REVISED 10/12/23**Case 100-S-23
Page 37 of 52**

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

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

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. ***(Note: not needed if a waiver is received)* A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 100-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from**

DRAFT REVISED 10/12/23

the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.

2. **As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

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

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

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

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

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

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

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

DRAFT REVISED 10/12/23

**Case 100-S-23
Page 39 of 52**

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

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

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

That drainage district tiles are protected.

- M. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended August 18, 2022.**

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

That the current version of the Zoning Ordinance has been referenced.

DOCUMENTS OF RECORD

1. Special Use Permit Application received April 14, 2023, with attachments:
 - A Site Plan
 - B Supplemental Application Information, including:
 - Project Description
 - Erosion and Sedimentation Control Plan
 - Decommissioning and Site Reclamation Plan
 - Landscaping Plan

2. Natural Resource Report by the Champaign County Soil and Water Conservation District received January 24, 2023

3. Preliminary Memorandum dated July 5, 2023, with attachments:
 - A Case Maps (Location Map, Land Use, and Zoning)
 - B Site Plan received April 14, 2023
 - C Project Narrative received April 14, 2023
 - D Landscaping Plan received April 14, 2023
 - E Inverters spec sheet downloaded April 20, 2023
 - F Solar Module spec sheet downloaded April 20, 2023
 - G Interconnection application received April 14, 2023
 - H Complaint resolution received April 14, 2023
 - I1 Decommissioning and Site Reclamation Plan for Site 1 received April 28, 2023
 - I1b Decommissioning and Site Reclamation Plan for Site 1b received April 28, 2023
 - J Letter waiving screening requirement received April 14, 2023
 - K1 Natural Resource Report by the Champaign County Soil and Water Conservation District for Site 1 received January 24, 2023 *(on ZBA website)*
 - K1b Natural Resource Report by the Champaign County Soil and Water Conservation District for Site 1b received January 24, 2023 *(on ZBA website)*
 - L Site visit images taken April 12, 2023
 - M Summary of Evidence, Summary Finding of Fact and Final Determination dated July 13, 2023

4. Supplemental Memorandum #1 dated October 4, 2023, with attachments:
 - A Legal advertisement
 - B Cover letter received September 27, 2023
 - C Revised DSRP for southern site 1 received September 27, 2023
 - D Revised DSRP for northern site 1b received September 27, 2023
 - E Drain Tile Survey received September 27, 2023
 - F Cable Management System specification sheets received September 27, 2023
 - G Revised Site plan for southern site 1 received September 27, 2023
 - H Revised Site Plan for northern site 1b received September 27, 2023
 - I Case 099-S-23 Revised Summary of Evidence, Summary Finding of Fact and Final Determination dated October 12, 2023
 - J Case 200-S-23 Revised Summary of Evidence, Summary Finding of Fact and Final Determination dated October 12, 2023

DRAFT REVISED 10/12/23**Case 100-S-23
Page 41 of 52****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **100-S-23** held on **July 13, 2023, and October 12, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
 - a. *The State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State's energy coming from renewable sources by the year 2025.*
 - b. *The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.*
 - c. *There is an existing power line along the south side of CR 0N.*

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *The subject property is approximately 2.9 miles from the Pesotum fire station.*
 - b. *The Pesotum Fire Protection District was notified of this case and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - a. *The proposed project is surrounded by land in agricultural production and the nearest residence is about 1,500 feet from the PV SOLAR FARM fenced area.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *No part of the subject property is in the Special Flood Hazard Area.*
 - b. *The proposed project must comply with the Storm Water Management and Erosion Control Ordinance.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *Relevant jurisdictions were notified of this case, and no comments have been received.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *No parking is required for a PV SOLAR FARM.*
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
 - a. *The site is reasonably well-suited in all respects and has no major defects.*

DRAFT REVISED 10/12/23

- 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.
- 6. Regarding necessary waivers of standard conditions:

Per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved individually or *en masse* by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described.”

- A. Regarding Part A of the proposed waivers, for a distance of 1.07 miles between a PV FARM and a municipality with zoning in lieu of the minimum required one and one-half miles:

DRAFT REVISED 10/12/23

Case 100-S-23
Page 43 of 52

- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. *The requested waiver (variance) is 71.3% of the minimum required, for a variance of 28.7%.*
 - b. *Relevant jurisdictions have been notified of this case, 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. *There is an interstate and interchange limiting visibility of the PV SOLAR FARM between the Village of Pesotum and the PV SOLAR FARM.*
 - b. *Adjacent landowners within 250 feet of the subject property were sent notification of the proposed project on June 28, 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:
 - a. *Without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.*

 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - a. *The petitioners were not aware of this separation requirement when they leased the land for the PV SOLAR FARM.*

 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. *The requested waiver (variance) is 3.6% of the minimum required, for a variance of 96.4%.*
 - b. *Relevant jurisdictions have been notified of this case, and no comments have been received.*
- B. Regarding Part B of the proposed waivers, for inverters that are 10 feet from the PV SOLAR FARM fence in lieu of 275 feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. *The requested waiver (variance) is 3.6% of the minimum required, for a variance of 96.4%.*
 - b. *Relevant jurisdictions have been notified of this case, 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 inverters have been placed as far away as possible from the nearest residences.*

DRAFT REVISED 10/12/23

- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - a. ***The inverters would have to be moved farther west, which is closer to the nearest residences.***
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioners placed the inverters where they are in order to maintain the greatest distance from the nearest residences.***
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. ***The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.***
 - b. ***A special condition has been added requiring this information prior to approval of a Zoning Use Permit.***
- C. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
- (1) The waiver **{IS / IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL / WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. ***The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.***
 - b. ***A special condition has been added requiring this information prior to approval of 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:
 - a. ***The petitioner is working with Tuscola Township on either a waiver or a Roadway Upgrade and Maintenance Agreement.***
 - b. ***A special condition has been added requiring this information prior to approval of a Zoning Use Permit.***
 - (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 Special Use Permit process might have to be extended in order to have sufficient time to prepare this document.***
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioner is working with Tuscola Township to receive either an agreement or a waiver from this requirement.***
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. ***The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.***
 - b. ***A special condition has been added requiring this information prior to approval of a Zoning Use Permit.***

DRAFT REVISED 10/12/23

Case 100-S-23
Page 45 of 52

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

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

- **Site Plan received ~~April 14~~ September 27, 2023.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. **(Note: not needed if a waiver is received) A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by Tuscola Township and approved by the**

DRAFT REVISED 10/12/23

Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.

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

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

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

- 1. Documentation of the solar module’s unlimited 10-year warranty and the 25-year limited power warranty.**
- 2. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
- 3. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
- 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
- 5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
- 6. (Note: not needed if a waiver is received) A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
- 7. The telephone number for the complaint hotline required by 6.1.5 S.**
- 8. Any updates to the approved Site Plan from Case 100-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

DRAFT REVISED 10/12/23

**Case 100-S-23
Page 47 of 52**

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

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

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

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

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

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

DRAFT REVISED 10/12/23

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

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

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

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. **A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

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

That drainage district tiles are protected.

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended August 18, 2022.**

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

That the current version of the Zoning Ordinance has been referenced.

DRAFT REVISED 10/12/23**Case 100-S-23
Page 49 of 52****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 **100-S-23** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}** to the applicant, **Champaign Solar 1b LLC**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

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

{SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:}

Part A: A waiver for a separation distance of 1.07 miles from a municipality with a zoning ordinance in lieu of the minimum required 1.5 miles, per Section 6.1.5 B.(2)a.

Part B: A waiver for a separation distance of 10 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

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

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **The approved site plan consists of the following documents:**
 - Site Plan received ~~April 14~~September 27, 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.**
- E. **A signed Decommissioning and Site Reclamation Plan that has been approved by the Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the**

DRAFT REVISED 10/12/23

Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.

- F. *(Note: not needed if a waiver is received)* **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by Tuscola Township and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**
- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 6. *(Note: not needed if a waiver is received)* **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
 7. **The telephone number for the complaint hotline required by 6.1.5 S.**
 8. **Any updates to the approved Site Plan from Case 100-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
- H. **A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from**

DRAFT REVISED 10/12/23**Case 100-S-23
Page 51 of 52**

the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.

- 2. As-built documentation of all permanent soil erosion and sedimentation improvements for all PV SOLAR FARM including any access road prepared by an Illinois Licensed Professional Engineer.**
 - 3. An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**
- I. The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
- 1. Maintain the pollinator plantings in perpetuity.**
 - 2. Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
 - 3. Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
 - 4. Maintain a current general liability policy as required by 6.1.5 O.**
 - 5. Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
 - 6. Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
 - 7. Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**
- J. The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.**
- K. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- L. A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway that is crossed with underground wiring and the relevant drainage district shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

Case 100-S-23
Page 52 of 52

DRAFT REVISED 10/12/23

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended August 18, 2022.**

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