

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

SUPPLEMENTAL MEMORANDUM #1

November 22, 2023

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

## **Request:**

### CASE 109-AM-23

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

### CASE 110-S-23

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

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

Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires written approval of the DATA CENTER location by the relevant Fire Protection District.

### CASE 111-S-23

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

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

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

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

### Case 112-V-23

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

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

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

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

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

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

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

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

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

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## STATUS

These cases were continued from the September 14, 2023 ZBA meeting. At that meeting, the Board requested the following items from the petitioner:

1. Drainage district tiles and any other tile and infrastructure (i.e. gas, stormwater, sewer) lines and easements on the property
2. Distance annotation on the site plan between IL Route 10 and the solar array
3. Decommissioning Plan for the data center
4. Written approval for data center location from the Bondville fire chief and any comments they have on the overall project.

To date, the petitioners have provided items 1, 2, and 3:

- Attachment D is a revised Site Plan received November 13, 2023, which includes items 1 and 2 above. The petitioner also provided Attachment E, a Plat of Survey showing infrastructure lines and easements, and Attachment F, a Fountain Head Drainage District Map from 1985.
- Attachment H is a revised DSRP received November 13, 2023, which adds a line item of \$50,000 for decommissioning the data center.

Regarding item 4, see “WRITTEN APPROVAL FOR DATA CENTER FROM BONDVILLE FIRE CHIEF” section below for more information.

Other materials received since the September 14, 2023 ZBA meeting are:

- Attachment B - Resolution of Protest from the Village of Bondville received October 25, 2023
- Attachment C - Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023

P&Z Staff removed the waivers in case 111-S-23 for not providing a Landscape Plan and a Noise Analysis because sufficient documentation has been received. Special condition E in Case 111-S-23 was also removed.

P&Z Staff updated the Summaries of Evidence, Findings of Fact and Final Determinations for these cases based on the information provided above (Attachments I, J, and K).

**DRAINAGE TILE**

Attachment F is a Fountain Head Drainage District Map from 1985. The map indicates a private tile traversing the subject property, with the 10-inch private tile crossing the PV Solar Array fenced area. The map suggests that there are no Drainage District tiles impacted by the proposed development. The petitioner noted on the Site Plan received November 13, 2023 that the contractor would field locate tile sections and avoid damaging them.

Village President John Garth made P&Z Staff aware that there is a large drainage tile running adjacent to IL10 that is not shown on the Site Plan received November 13, 2023, and that the work was done in conjunction with Fountain Head Drainage District. P&Z Staff contacted Don Wauthier of Berns, Clancy & Associates because he has done engineering work with Fountain Head Drainage District. In an email received November 20, 2023 (Attachment G), Mr. Wauthier stated that there is a large diameter tile line belonging to Fountain Head Drainage District running along IL 10 and said Bob Barker with Fountain Head Drainage District would have the exact location. P&Z Staff emailed Mr. Barker and Mr. Grilo requesting that the drainage tile be located and put on the map. No response has been received as of November 22, 2023.

**RESOLUTION OF PROTEST**

On October 25, 2023, the Village of Bondville filed a Resolution of Protest against the rezoning. The Village only has protest rights on Map Amendment Cas 109-AM-23, not the Special Use Permits or the Variance. The Village cited that the rezoning would be injurious to the residents of Bondville. Without an approved rezoning to AG-2, the Special Use Permits for the PV Solar Array and Data Center cannot be approved.

A protest by a municipality triggers a supermajority vote (17 votes out of 22 rather than 12 votes out of 22) to approve the rezoning at the County Board level. It does not impact the number of votes required at the ZBA level.

**WRITTEN APPROVAL FOR DATA CENTER FROM BONDVILLE FIRE CHIEF**

Section 6.1.3 of the Zoning Ordinance contains a standard condition for a Data Center Special Use Permit: "The location of the Data Center must be approved in writing by the relevant Fire Protection District."

P&Z Staff sent notification of these zoning cases to the Fire Chief on August 30, 2023, and no comments have been received. The petitioner has also reached out to the Fire Chief and has received no comments or approval of the Data Center location. Due to not receiving a response, P&Z Staff added a proposed waiver to Case 110-S-23 for ZBA members to consider that would allow approval of the Data Center without receiving written approval of its location from the fire chief. Without the waiver or a letter of approval from the fire chief, the Data Center Special Use Permit cannot be approved.

**WAIVERS NO LONGER NEEDED**

The previous waivers in Case 111-S-23 for not having a landscape plan and a noise analysis have been removed because a noise analysis showing compliance with IPCB regulations was received on September 14, 2023 and the revised Site Plan received November 13, 2023 demonstrates compliance with the landscape plan requirements.

**PROPOSED SPECIAL CONDITIONS – TWO REVISIONS AND ONE NEW CONDITION**

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

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

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

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Site Plan sheets received ~~August 25~~November 13, 2023.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.**

2. **The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.**
3. **Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.**

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

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

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

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

**H. The Applicant or Owner or Operator of the PV SOLAR ARRAY shall comply with the following specific requirements that apply even after the PV SOLAR ARRAY goes into commercial operation:**

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

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

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

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

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

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

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

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

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

- K. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the PV SOLAR ARRAY, the owner of the PV SOLAR ARRAY will establish vegetative screening per Section 6.1.5 M.(2) of the Zoning Ordinance.**

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

**To ensure that a screen is planted in the event that anticipated future residential development does occur on adjacent land.**

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



**ATTACHMENTS**

- A Legal advertisement
- B Resolution of Protest from the Village of Bondville received October 25, 2023
- C Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
- D Revised Site Plan received November 13, 2023
- E Plat of Survey received November 9, 2023
- F Fountain Head Drainage District tile map from 1985 received November 9, 2023
- G Email from Don Wauthier of Berns, Clancy & Associates received November 20, 2023
- H Revised Decommissioning and Site Reclamation Plan received November 13, 2023
- I Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated November 30, 2023
- J Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated November 30, 2023
- K Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated November 30, 2023

**LEGAL PUBLICATION: WEDNESDAY, AUGUST 30, 2023**  
**CASES: 109-AM-23, 110-S-23, 111-S-23 & 112-V-23**

**NOTICE OF A PUBLIC HEARING IN REGARD TO A REZONING, TWO SPECIAL USE PERMITS WITH WAIVERS AND A VARIANCE ON PROPERTY IN UNINCORPORATED CHAMPAIGN COUNTY UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE**

Anthony Donato, d.b.a. Donato Solar – Bondville LLC, 707 Osterman Ave, Deerfield, IL 60015, has filed petitions for a Zoning Map Amendment, two Special Use Permits with waivers, and a Variance 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 E. Washington Street, Urbana, IL.

A public hearing will be held **Thursday, September 14, 2023, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

CASE 109-AM-23

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

CASE 110-S-23

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

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

CASE 111-S-23

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

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

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

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

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

Case 112-V-23

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

Part A: Authorize a variance for 2 parking spaces in lieu of the minimum required 16 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

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

SUBJECT PROPERTY:

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

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](mailto: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, AUGUST 30, 2023 ONLY**

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

Our News Gazette account number is 99225860.

JOSEPH P. CHAMLEY  
DAVID B. WESNER

LAW OFFICES OF  
**EVANS, FROELICH, BETH & CHAMLEY**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
44 MAIN STREET, THIRD FLOOR  
CHAMPAIGN, ILLINOIS 61820  
---  
TELEPHONE 217-359-6494  
FAX NO. 217-359-6468

JAMES W. EVANS  
RETIRED  
KURT P. FROELICH  
(1943-2014)  
KENNETH N. BETH  
RETIRED

October 25, 2023

Aaron O. Ammons  
Champaign County Clerk  
1776 East Washington  
Urbana, IL 61802

Re: Protest by Village of Bondville, IL to  
Petition for Zoning Amendment (County Case No. 109-AM-23) filed by Donato Solar –  
Bondville LLC

Dear Mr. Ammons:

I am the Village Attorney for the Village of Bondville, Illinois.

Please find enclosed a copy of **RESOLUTION NO. 2023-09-01, A RESOLUTION OF PROTEST AGAINST Amending the County Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23 (County Case No. 109-AM-23)**

If you have any questions concerning the foregoing, please feel free to contact me. Thank you for your attention to this matter.

Yours very truly,  
EVANS, FROELICH, BETH & CHAMLEY

BY: \_\_\_\_\_  
JOSEPH P. CHAMLEY,  
Village Attorney

Enclosures

cc: Village Officials, w/Enc. via e-mail  
Donato Solar – Bondville LLC, via Certified Mail No. 70202450000213245272

**RECEIVED**  
OCT 25, 2023  
CHAMPAIGN COUNTY  
PLANNING & ZONING

**FILED**  
OCT 25 2023  
*Aaron Ammons*  
CHAMPAIGN COUNTY CLERK

**COPY**

LAW OFFICES OF  
**EVANS, FROEHLICH, BETH & CHAMLEY**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
44 MAIN STREET, THIRD FLOOR  
CHAMPAIGN, ILLINOIS 61820  
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TELEPHONE 217-359-6494  
FAX NO. 217-359-6468

JOSEPH P. CHAMLEY  
DAVID B. WESNER

JAMES W. EVANS  
RETIRED  
KURT P. FROEHLICH  
(1943-2014)  
KENNETH N. BETH  
RETIRED

**AFFIDAVIT OF SERVICE**

STATE OF ILLINOIS )  
) SS.  
THE COUNTY OF CHAMPAIGN )

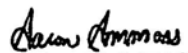
The undersigned, being first duly sworn, deposes and says on oath that she did cause the Resolution No. 2023-09-01 attached hereto to be served upon Donato Solar – Bondville LLC, 707 Osterman Ave, Deerfield, IL 60015 by mailing a true and correct copy of the same by certified mail NO. 70202450000213245272 on the 25<sup>th</sup> day of October, 2023, by depositing same in the United States Mail at Champaign, Illinois, postage prepaid.

  
\_\_\_\_\_  
Janice S. Nieman

SUBSCRIBED and SWORN to before me  
this 25 day of October, 2023\_\_

  
\_\_\_\_\_  
NOTARY PUBLIC



**FILED**  
OCT 25 2023  
  
CHAMPAIGN COUNTY CLERK

**RESOLUTION NO. 2023-09-01**

**A RESOLUTION OF PROTEST AGAINST  
Amending the County Zoning Map to change the zoning district designation from the AG-1  
Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a  
data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second  
principal use as a proposed County Board Special Use Permit in related Case 111-S-23  
(County Case No. Case No. 109-AM-23)**

WHEREAS, the Village of Bondville, Illinois, a municipal corporation, has adopted and administers a Zoning Ordinance and a Subdivision Ordinance, which Subdivision Ordinance is also applicable in the 1.5 mile Extraterritorial Territorial Jurisdiction beyond the Village corporate limits, all as provided the State law;

WHEREAS, the Zoning Administrator of the County of Champaign has referred to the Village a copy of an application for **Amending the County Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23 (County Case No. Case No. 109-AM-23)**;

WHEREAS, the President and Board of Trustees of the Village of Bondville, have determined that the proposed amendment would be injurious to the citizens of the Village;

**BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BONDVILLE, CHAMPAIGN COUNTY, ILLINOIS, as follows:**

Section 1. The Village Board finds and determines that the facts contained in the above recitations are true.

Section 1. That the Village Board hereby resolves that the Village of Bondville should and does hereby protest **Amending the County Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23 (County Case No. Case No. 109-AM-23)**;

Section 2. That the Village President, or his designee, for and on behalf of the Village Board, is authorized and directed to file this Resolution of Protest with the County Clerk of the County of Champaign and mail copies of this Resolution of Protest as required by law.

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**FILED**

OCT 25 2023

*Deacon Ammons*  
CHAMPAIGN COUNTY CLERK

Upon motion by Trustee Munds, seconded by Trustee Hursey, passed by the President and Board of Trustees of the Village of Bondville, Illinois this 11 day of Sept, 2023, by roll call vote, as follows:

Voting "aye" (names): Munds, Farney, Woods,  
Hursey, Kerr

Voting "nay" (names) - none -

Absent (names) Wells

APPROVED this 11 day of Sept, A.D. 2023.

[Signature]  
Village President



(SEAL)  
Attest: [Signature]  
Village Clerk

STATE OF ILLINOIS )  
COUNTY OF CHAMPAIGN ) SS  
VILLAGE OF BONDVILLE )

**CERTIFICATE OF RESOLUTION**

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Clerk of the Village of Bondville, Champaign County, Illinois (the **“Municipality”**), and as such official I am the keeper of the records and files of the Municipality and of the President and Board of Trustees (the **“Corporate Authorities”**).

I do further certify that the foregoing constitutes a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on the 11 day of Sept, 2023, insofar as same relates to the adoption of Resolution No. 2023-09-01, entitled:

**A RESOLUTION OF PROTEST AGAINST Amending the County Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23 (County Case No. Case No. 109-AM-23)**

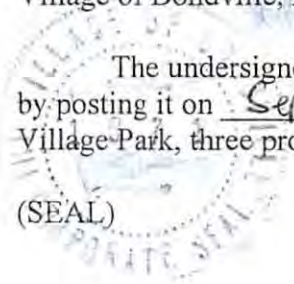
a true, correct and complete copy of which Resolution (the **“Resolution”**) as adopted at such meeting appears in the proceedings of the minutes of such meeting and is hereto attached. The Resolution was adopted and approved by the vote and on the date therein set forth.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Resolution were taken openly, that the vote on the adoption of such Resolution was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that the agenda for the meeting was duly posted at the Village Hall and so that each page of the agenda was continuously visible for public review and inspection in a Village Hall window 24/7 at least 48 hours prior to the meeting, that such meeting was called and held in strict compliance with the provisions of the open meetings laws of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such open meeting laws and such Code and their procedural rules in the adoption of such Resolution.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village of Bondville, Illinois, this 11 day of Sept, 2023.

The undersigned Village Clerk hereby certifies that she published the above Resolution by posting it on Sept 11, 2023, at the Village Hall, the Fire Department and the Village Park, three prominent places in the Village of Bondville, Illinois.

(SEAL)



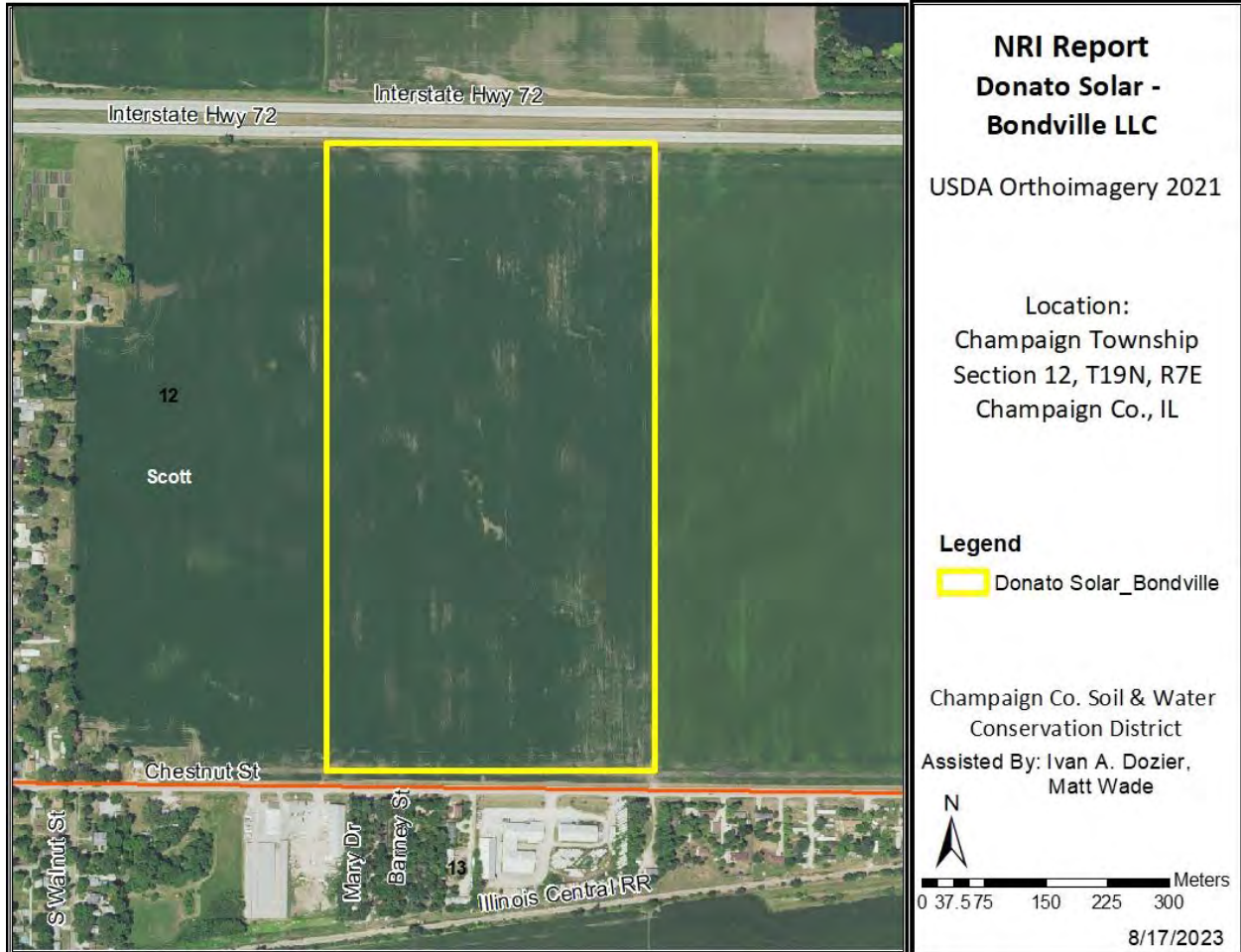
*Imma Gault*  
Village Clerk



# NATURAL RESOURCE INFORMATION (NRI) REPORT 23.08

PETITIONER: DONATO SOLAR – BONDVILLE, LLC

AUGUST 23, 2023



**RECEIVED**

OCT 26, 2023

CHAMPAIGN COUNTY  
PLANNING & ZONING

PREPARED BY: CHAMPAIGN COUNTY SOIL & WATER  
CONSERVATION DISTRICT

2110 W PARK CT, STE C, CHAMPAIGN, IL 61821  
(217) 352-3536 EXT 3 | WWW.CCSWCD.COM

<b>Champaign County Soil and Water Conservation District Natural Resource Information Report (NRI)</b>	
Date District Board Reviewed Application	August 23, 2023
Applicant's Name	Donato Solar – Urbana, LLC
Contact Person	Peyton Childress
Size of Subject Property	15
Present Zoning	AG-1
Proposed Zoning	AG-2
Present Land Use	Agricultural
Proposed Land Use	Solar Farm

<i><b>Copies of this report or notification of the proposed land-use change were provided to:</b></i>	<b>Yes</b>	<b>No</b>
The Applicant	x	
The Contact Person	x	
The Local/Township Planning Commission	n/a	n/a
The Village/City/County Planning & Zoning Department	x	
The Champaign County Soil & Water Conservation District Files	x	

Report Prepared By:  
 Ivan A. Dozier, Resource Conservationist  
 &  
 Matt Wade, Survey Aide

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## **Forward**

Soil and Water Conservation Districts are required to prepare Natural Resource Information (NRI) Reports under the Illinois Soil and Water Conservation Act of 1977, Illinois Revised Statutes, Chapter Five.

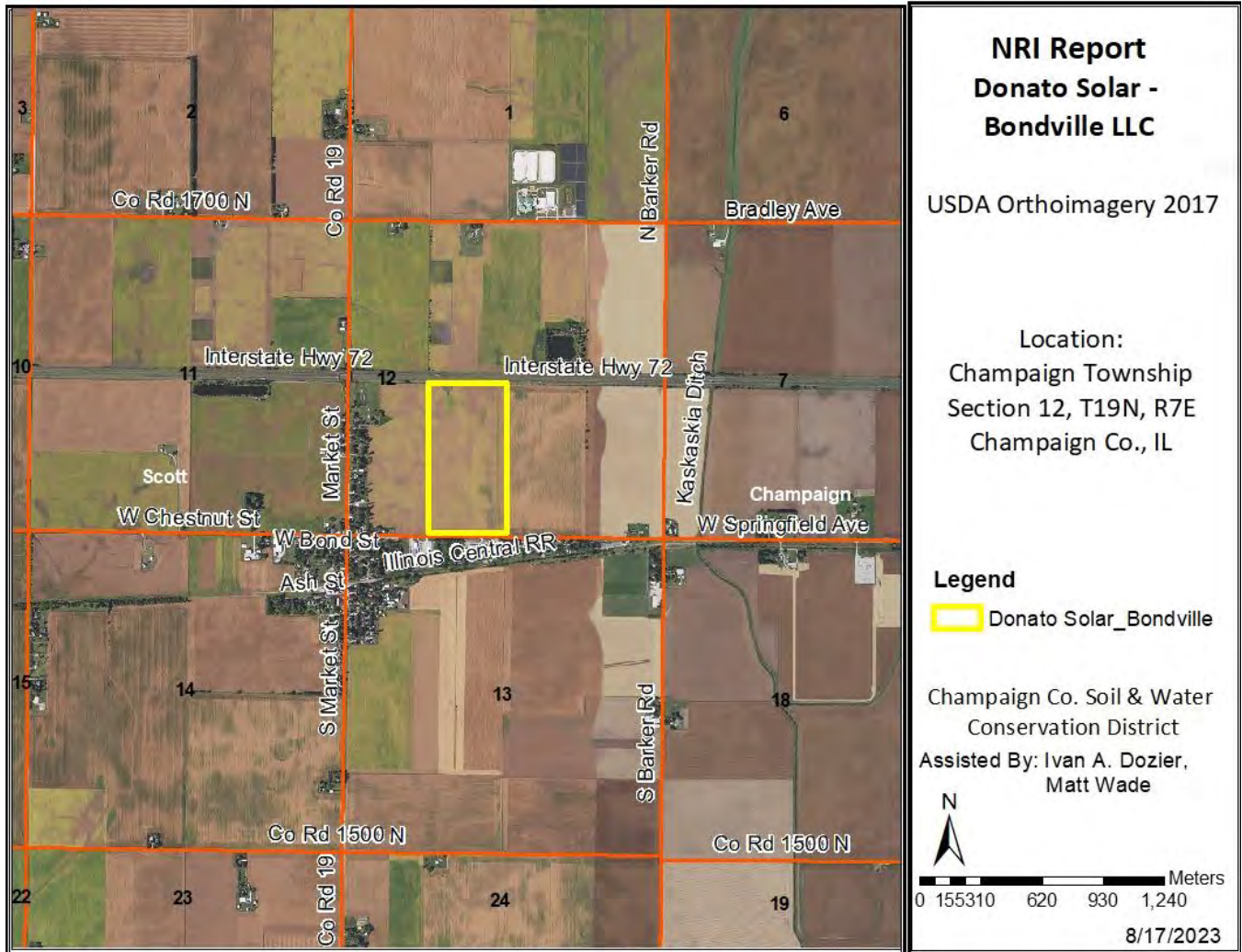
Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from municipality's or county's zoning ordinance or who proposes to sub-divide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than thirty days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action. Added by Act approved December 3, 1971.

This report provides technical data necessary to evaluate the natural resources of a specific area and the impacts or limitations associated with the proposed land use change. The report is limited to information researched by the Champaign County Soil and Water Conservation District staff. (Technical information is obtained from several different sources and may be subject to modification based on detailed site investigations or new technical information.) The information gathered in this report comes from several key reference materials and are cited throughout this report and listed in the Reference section. Any questions on the information contained in this report can be directed to:

Champaign County Soil and Water Conservation District  
2110 W. Park Court, Suite C  
Champaign, IL 61821  
Phone 217-352-3536 ext. 3

### Subject Property Location

Location Map for NRI Report for the Donato Solar Farm in Bondville. The property is located in the northwest quarter of Section 12, Township 19N, Range 7E in Champaign County, IL.



## **Summary and Concerns of the Board**

The Champaign County Soil and Water Conservation District has reviewed the proposed land use change and has the following concerns relevant to the impact on the area's natural resources.

1. All soils on the subject property are not suitable sanitary facilities or dwellings. It is advised to perform onsite investigations with a professional to determine construction strategy before moving forward. See pages 7-9.
2. All soils on the subject property are not suitable for dwellings or small commercial buildings. It is advised to consult with a professional to determine safety and quality of current and future construction projects. See pages 7-9.
3. The subject property is located in the *Union Scott-Champaign* drainage district. Please contact drainage district officials for questions or concerns regarding drainage management.
4. The average Land Evaluation (LE) score for this site is: 96.0. See pages 13-14.
5. A floodplain is present near the subject property. Precautions should be taken to protect wetland and water quality and health during project lifespan. See pages 17-18.

***Correction to Item 3 above by P&Z Staff:***

***This should say Fountain Head Drainage District instead of Union Scott-Champaign drainage district.***

## Soil Information

The soil information comes from the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) Soil Survey of Champaign County. This information is important to all parties involved in determining the suitability of the proposed land use change. Each polygon is given a number with letters, which represents its soil type, slope, flooding, etc., and is then called a map unit. Each soil map unit has limitations for a variety of land uses, which are explained using interpretations.

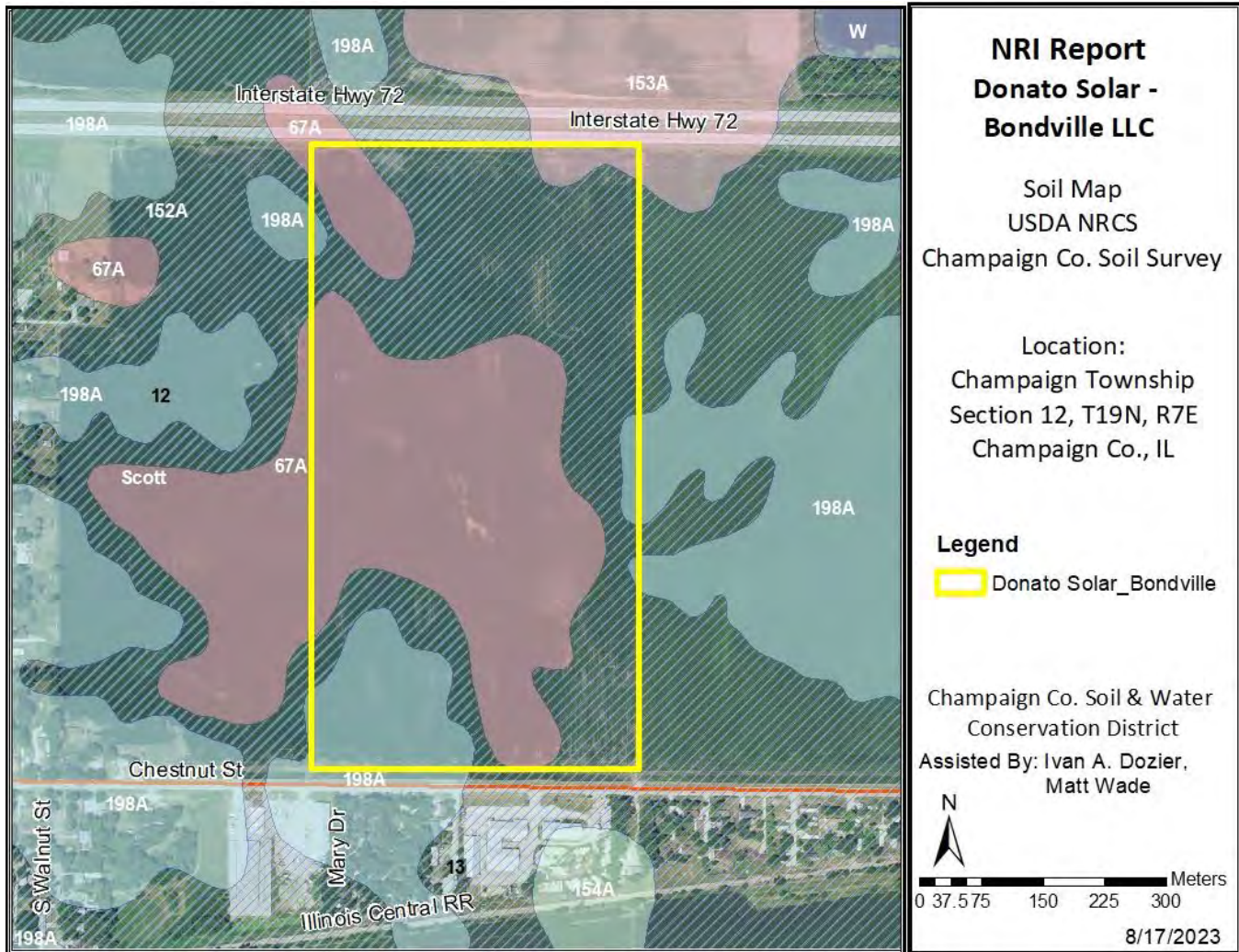


Table 1. Soil map unit descriptions.

Map Unit Symbol	Description	Acres	Percent of Area
67A	Harpster silty clay loam, 0-2% slopes	33.3	43.3%
152A	Drummer silty clay loam, 0-2% slopes	33.7	43.8%
153A	Pella silty clay loam, 0-2% slopes	1.1	1.4%
198A	Elburn silt loam, 0-2% slopes	8.7	11.4%

### Introduction to Soil Interpretations

Non-agricultural soil interpretations are ratings that help engineers, planners, and others understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive

features. The tables list only the most restrictive features. Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. However, most of these practices are costly. The final decision in selecting a site for a land use generally involves weighing the costs for site preparation and maintenance.

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common type of building limitation this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Organic soils, when present on the subject property, are referenced in the hydric soils section of the report.

The area of development will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days should be temporarily seeded or mulched and permanent vegetation needs to be established as soon as possible.

#### *Limitation Ratings*

1. *Not limited*- This soil has favorable properties for the intended use. The degree of limitation is minor and easy to overcome. Those involved can expect good performance and low maintenance.
2. *Somewhat limited*- This soil has moderately favorable properties for the intended use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated "*not limited*."
3. *Very limited*- This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonally high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

#### **Soil Interpretations**

##### *Sanitary Facilities*

The table below shows the degree and kind of soil limitations that affect septic tank absorption fields and sewage lagoons.

Septic Tank Absorption Fields: Areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. The ratings are based on soil properties, site features, and observed performance of the soils. Permeability, high water table, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Large stones and bedrock or a cemented pan interfere with installation. Unsatisfactory performance of septic tank absorption fields, including excessively slow absorption of effluent, surfacing of effluent, and hillside seepage can affect public health. There must be unsaturated soil material beneath the absorption field to filter the effluent effectively.

Table 2. Septic tank absorption fields.



Map Unit Symbol	Septic Tank Absorption Fields	Acres	Percent of Area
67A	Very limited: ponding, depth to saturated zone, slow water movement, seepage in bottom layer	33.3	43.3%
152A	Very limited: ponding, depth to saturated zone, slow water movement	33.7	43.8%
153A	Very limited: ponding, depth to saturated zone, slow water movement, seepage in bottom layer	1.1	1.4%
198A	Very limited: ponding, depth to saturated zone, slow water movement, seepage in bottom layer	8.7	11.4%

For the subject property: 100% of the soils on the property are very limited for the use of septic tank absorption fields and special design is required for any septic tank absorption field.

*Building Site Development*

The table below shows the degree and the kind of soil limitations that affect dwellings with or without basements and small commercial buildings.

Dwellings and Small Commercial Buildings: Structures built on a shallow foundation on undisturbed soil that are three stories or less. The ratings are based on soil properties, site features, and observed performance of the soils. High water table, depth to bedrock or to a cemented pan, large stones, slope, and flooding effect the ease of excavation, construction, and maintenance.

Table 3. Dwellings and small commercial buildings limitations.

Map Unit Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Acres	Percent of Area
67A	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	33.3	43.3%
152A	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	33.7	43.8%
153A	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	1.1	1.4%
198A	Very limited: ponding, depth to saturated zone, shrink-swell	Somewhat limited: depth to saturated zone, shrink-swell	Somewhat limited: depth to saturated zone, shrink-swell	8.7	11.4%

**Soil Water (Wetness) Features**

This section gives estimates of various soil water (wetness) features that should be taken into consideration when reviewing engineering for a land use project.

Hydrologic Soil Groups (HSGs): The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- Group A: Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

- Group B: Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- Group C: Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- Group D: Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: if a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D) the first letter is for drained areas and the second is for undrained areas.

Surface Runoff: Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate, and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from the irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

Water Table: Refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles, called redoximorphic features) in the soil. Note: a saturated zone that lasts for less than a month is not considered a water table.

Ponding: Refers to standing water in a closed depression and the data indicates duration and frequency of ponding.

- Duration: expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- Frequency: expressed as *none* (ponding is not possible), *rare* (unlikely but possible under unusual weather conditions), *occasional* (occurs, on average, once or less in 2 years), *frequent* (occurs, on average, more than once in 2 years).

Flooding: The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- Duration: Expressed as *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- Frequency: Expressed as *none* (flooding is not probable), *very rare* (very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year)), *rare* (unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year)), *occasional* (occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year)), and *very frequent* (likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year)).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that

provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 4. Soil water (wetness) features.

Map Unit Symbol	HSG	Surface Runoff	Depth to Water Table (ft)			Ponding		Flooding	
			Upper Limit	Lower Limit	Kind	Duration	Frequency	Duration	Frequency
67A	B/D	Neg	0.0-1.0	6.0	Apparent	Brief	Frequent	-	None
152A	B/D	Neg	0.0-1.0	6.0	Apparent	Brief	Frequent	-	None
153A	B/D	Neg	0.0-1.0	6.0	Apparent	Brief	Frequent	-	None
198A	B/D	Low	1.0-2.0	6.0	Apparent	-	-	-	None

### Hydric Soils

Hydric soils by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. Soil maps may not be small enough to show inclusions of hydric soils, so it is important to consult a soil scientist if building residential areas on hydric soils or soils with hydric inclusions.

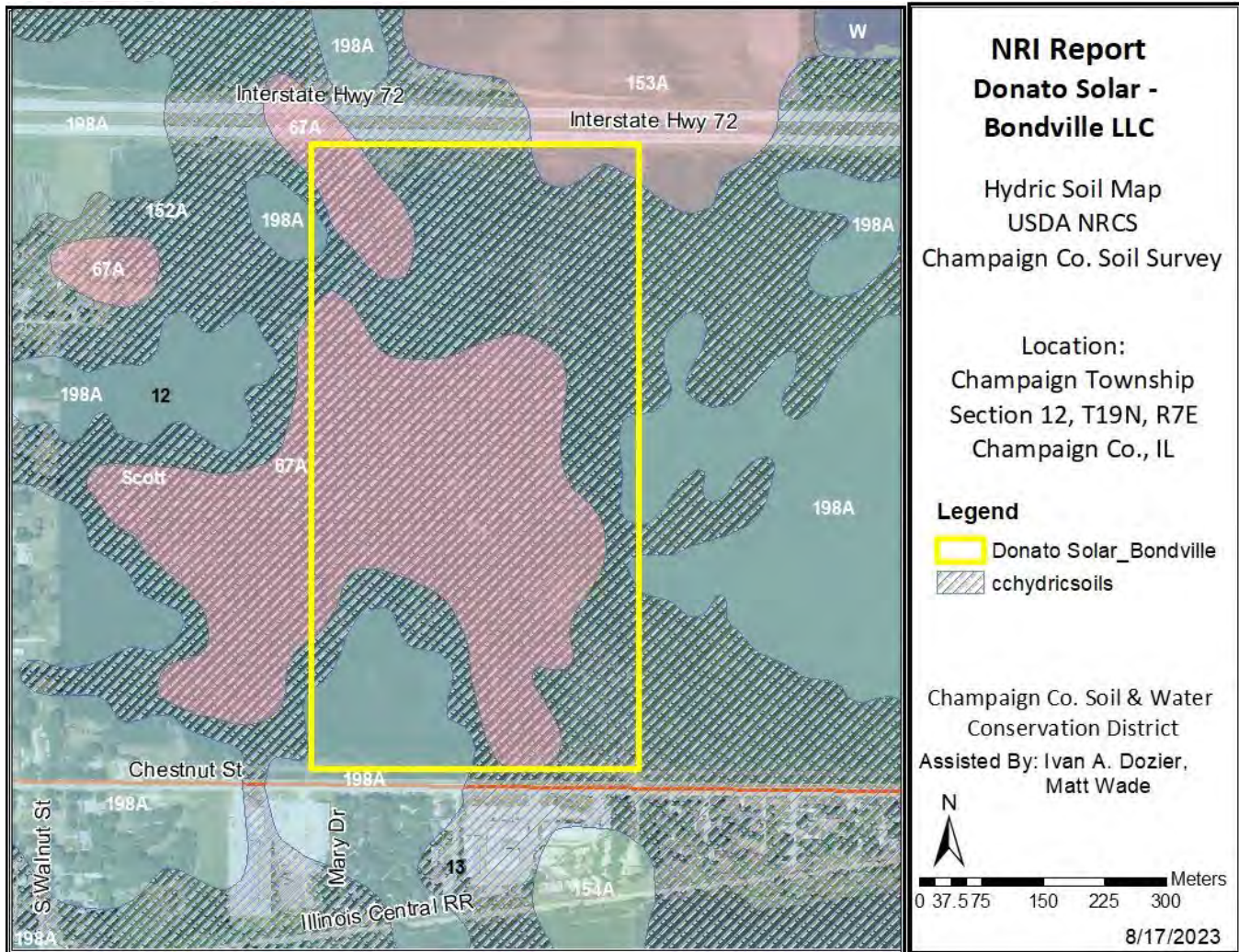
On most agricultural soils in the county that are poorly or somewhat poorly drained, subsurface agriculture drainage tile occurs. This expedites drainage but must be maintained and undisturbed so the soil does not return to its original hydrologic condition.

The Champaign County SWCD recommends the following for an intense land use, such as a subdivision:

1. A topographical survey with 1-foot contour intervals to define the flood area.
2. An intensive soil survey to define locations of hydric inclusions.
3. A drainage tile survey to locate tiles that must be preserved.

Table 5. Hydric soils.

Map Unit Symbol	Drainage Class	Hydric Designation	Acres	Percent of Area
67A	Poorly drained	Hydric	33.3	43.3%
152A	Poorly drained	Hydric	33.7	43.8%
153A	Poorly drained	Hydric	1.1	1.4%
198A	Somewhat poorly drained	Non hydric	8.7	11.4%
			<b>Percent Hydric</b>	<b>88.7%</b>



## Soil Erosion and Sediment Control

Erosion is the wearing away of the soil by water, wind, and other forces and a soil's erodibility is mainly determined by the following properties: soil texture, slope, soil structure, soil organic matter content. Soil erosion threatens the nation's soil productivity and contributes to pollutants in waterways. Sediment entering creeks, rivers, and lakes degrade water quality and reduce capacity, which increases the risk of flooding and disrupts ecosystems. Sediment also carries other possible pollutants, such as chemicals and metals, by adhering to the sediment's surface.

### Erosion Control at Construction Sites

Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.

- **Silt Fencing:** A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
- **Construction Road Stabilization:** The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.

- **Vegetative Cover:** One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth brome grass, oats, cereal rye) to help protect soil from erosion during construction.

**EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool**

EPA requires a plan to control storm water pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP to obtain NPDES permit coverage for their storm water discharges. More information at the following website: <http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>.

Table 6. Soil erosion potential.

Map Unit Symbol	Slope	Rating	Acres	Percent of Area
67A	0.5%	Slight	33.3	43.3%
152A	0.5%	Slight	33.7	43.8%
153A	0.5%	Slight	1.1	1.4%
198A	1.0%	Slight	8.7	11.4%

**Prime Farmland Soils**

Prime farmland soils are an important resource to Champaign County. Some of the most productive soils in the world occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Urban or built-up land on prime farmland soils is not prime farmland.

Table 7. Prime farmland designation.

Map Unit Symbol	Prime Designation	Acres	Percent of Area
67A	Prime farmland if drained	33.3	43.3%
152A	Prime farmland if drained	33.7	43.8%
153A	Prime farmland if drained	1.1	1.4%
198A	All areas are prime farmland	8.7	11.4%
<b>Percent Prime Farmland</b>			<b>100%</b>

**The Land Evaluation and Site Assessment System**

Decision-makers in Champaign County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the USDA-NRCS and takes into consideration local conditions, such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure:

- Land Evaluation (LE) – the soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agricultural use. The best group is assigned a value of 100 and is based on data from the Champaign County Soil Survey. The Champaign County LE designates soils with a score of 91 to 100 as best prime farmland, as reported in Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils. Best Prime Farmland consists of:
  - a) Soils identified as agricultural value groups 1, 2, 3, and/or 4
  - b) Soils that, in combination on a subject site, have an average LE of 91 or higher
  - c) Any 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

- Site Assessment (SA) – the site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives.

The Champaign County LESA system is designed to provide officials with a systematic objective means to numerically rate a site in terms of its agricultural importance.

- To assist officials in evaluating the proposed conversion of farmland on a parcel or site in zoning cases that include farmland conversion to a non-agricultural land use.
- To assist in the review of state and federal projects for compliance with the Illinois Farmland Preservation Act and the Federal Farmland Protection Policy Act in terms of their impact on important farmland.

Note: A land evaluation (LE) score will be compiled for every project property, but a site assessment score is not applicable in most cases, making the full LESA score unavailable.

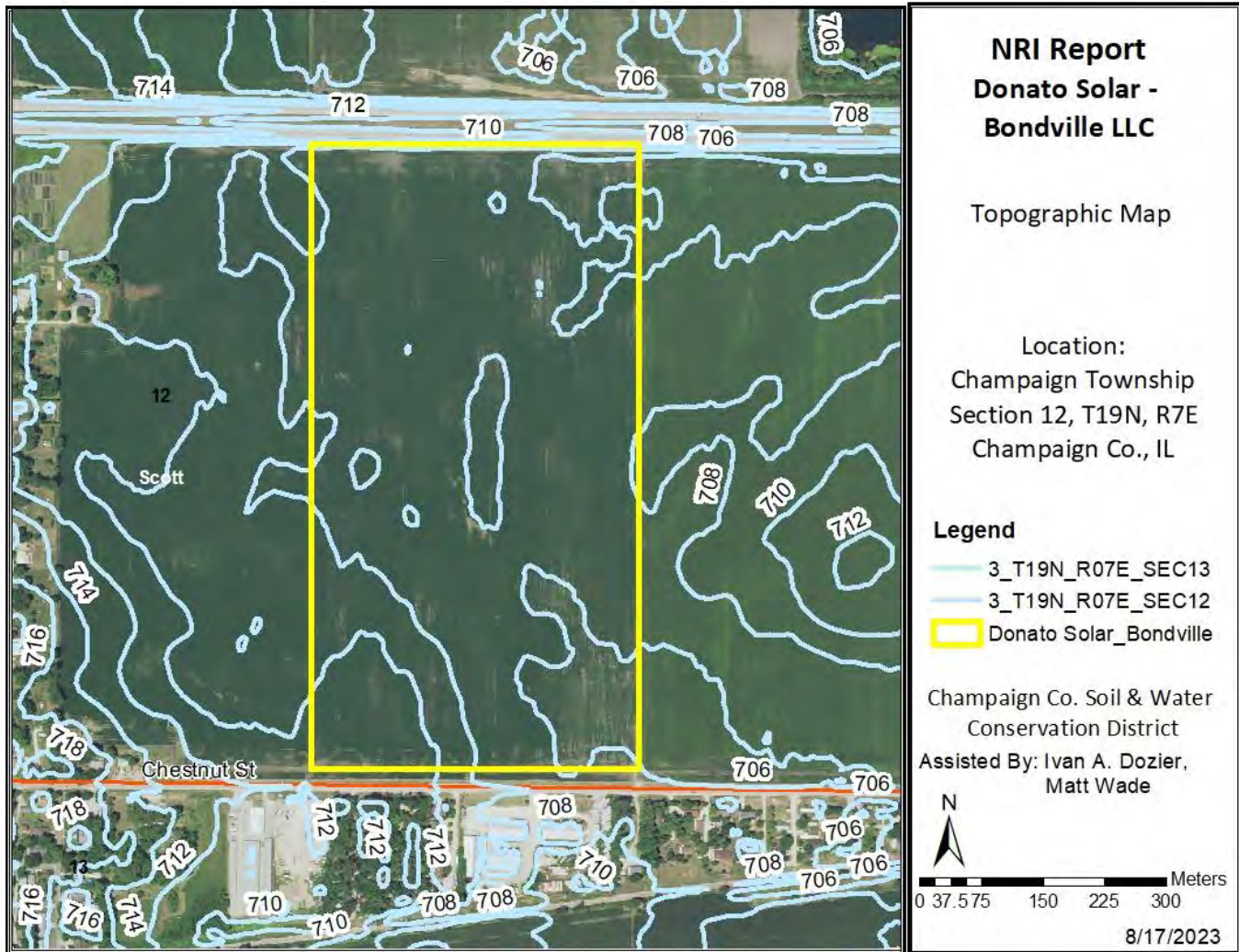
Table 8. Land Evaluation and Site Assessment System score.

Map Unit Symbol	Value Group	Relative Value	Acres	Product (Relative Value*Acres)
67A	4	91	33.3	3030.3
152A	2	100	33.7	3370
153A	3	94	1.1	103.4
198A	1	100	8.7	870
Totals			76.8	7373.7
LE Score		LE = 7373.7/76.8		<b>LE = 96.0</b>

For the subject property: the overall Land Evaluation (LE) score is 96.0.

### Topographic Information

United States Geologic Survey (USGA) topographic maps give information on elevation, which are important mostly to determine slope, drainage direction, and watershed information. Elevation determines the area of impact of floods. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the subject property, possibly impacting surrounding natural resources.



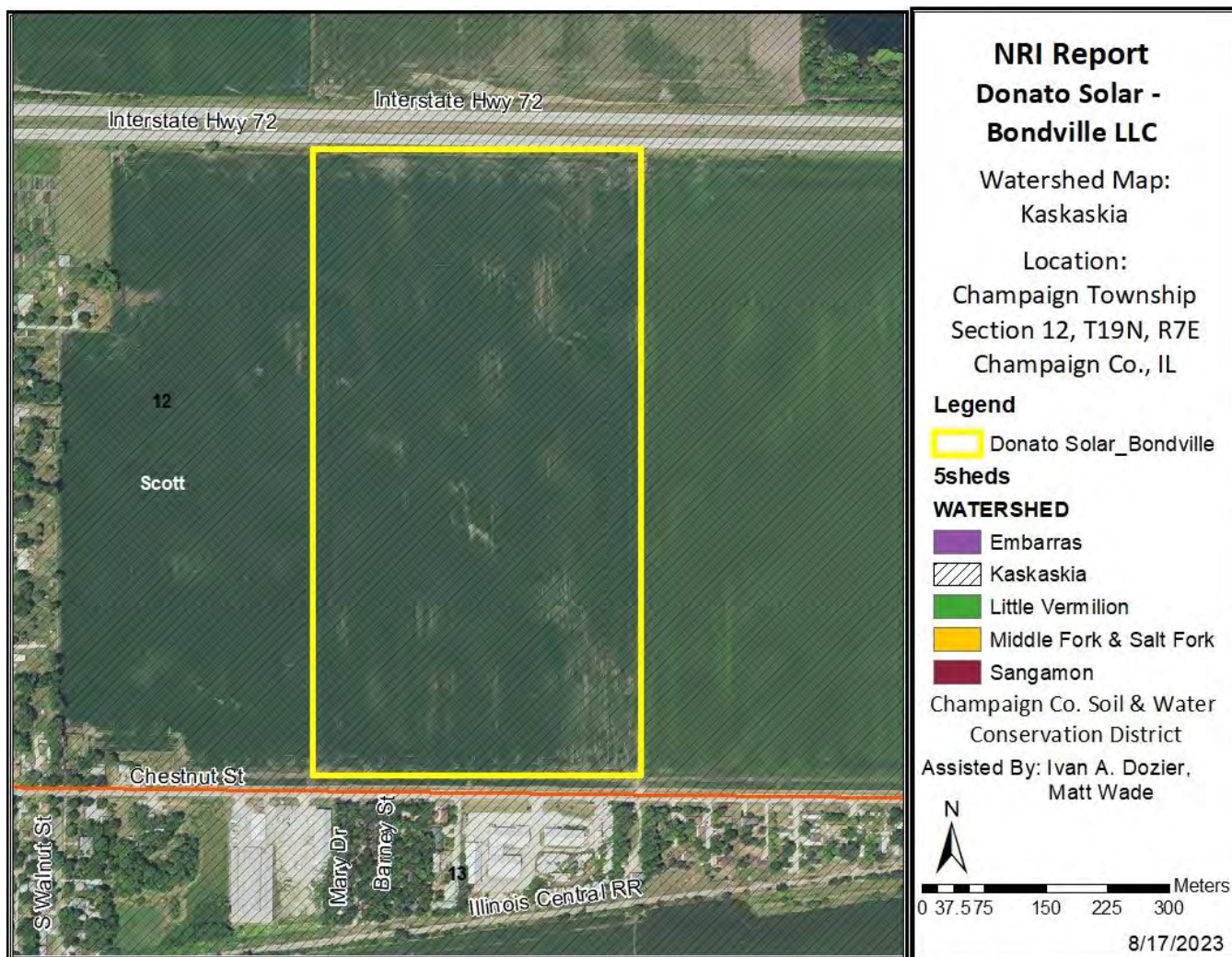
### Watershed Information

Watershed information is given when land use is changed to a subdivision type of development on parcels greater than 10 acres. A watershed is an area of land that drains to an associated water resource, such as a wetland, river, or lake. Rainwater carries pollutants through watersheds, impacting natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities.

The following are recommendations to developers for protection of watersheds:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving construction sites
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing and style types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Treat water where it falls

For the subject property: the property is located in the Kaskaskia Watershed.



## Floodplain and Wetland Information

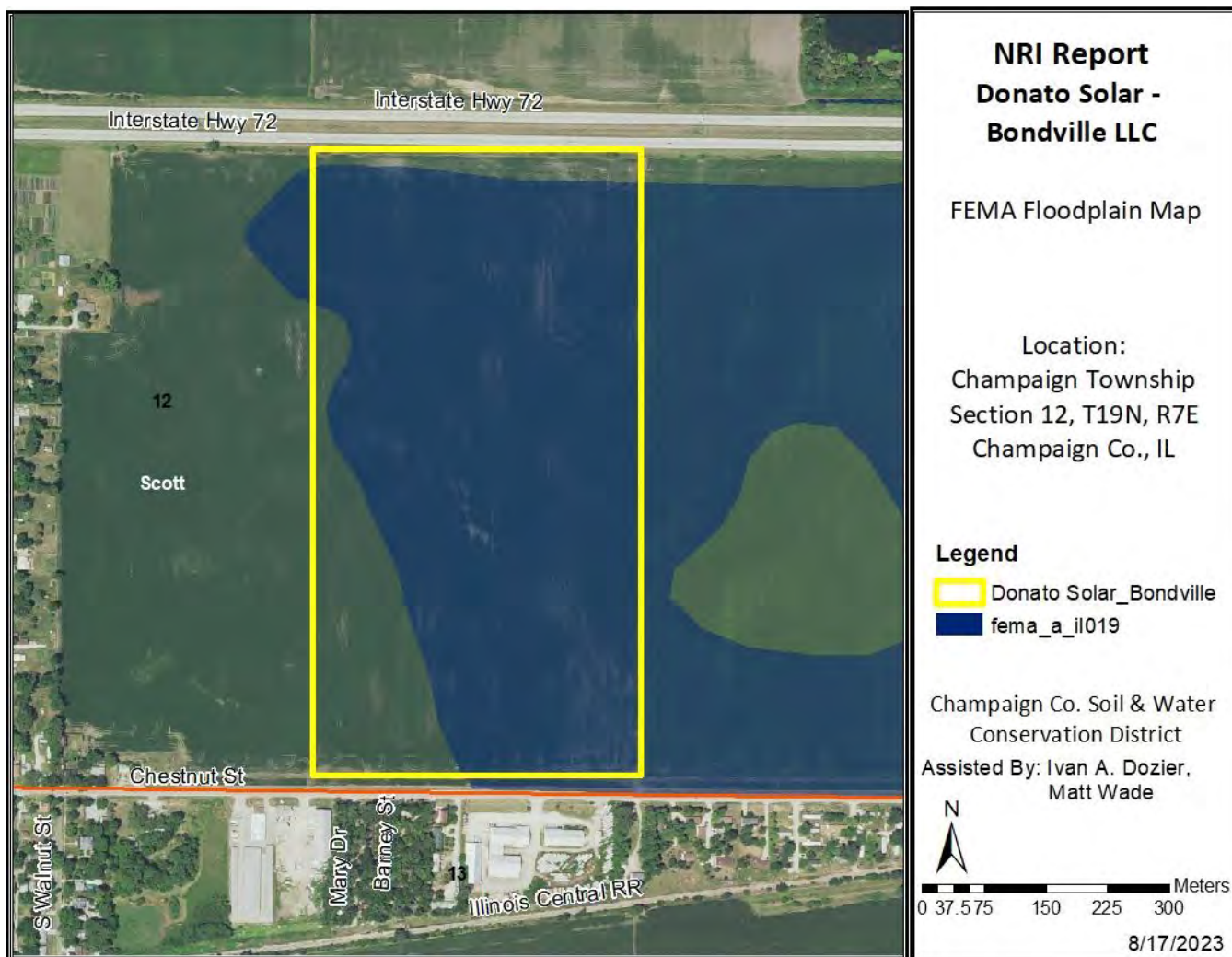
### Floodplain Information

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas that demand protection since they have water storage and conveyance functions that affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is dangerous to people and destructive to their properties. The following map can help developers and future homeowners to “sidestep” potential flooding or ponding problems. The Flood Insurance Rate Map (FIRM) was produced by the Federal Emergency Management Agency (FEMA) to define flood elevation adjacent to tributaries and major bodies of water that are superimposed onto a simplified USGS topographic map.

For the subject property: a significant portion of the property is in the floodplain.

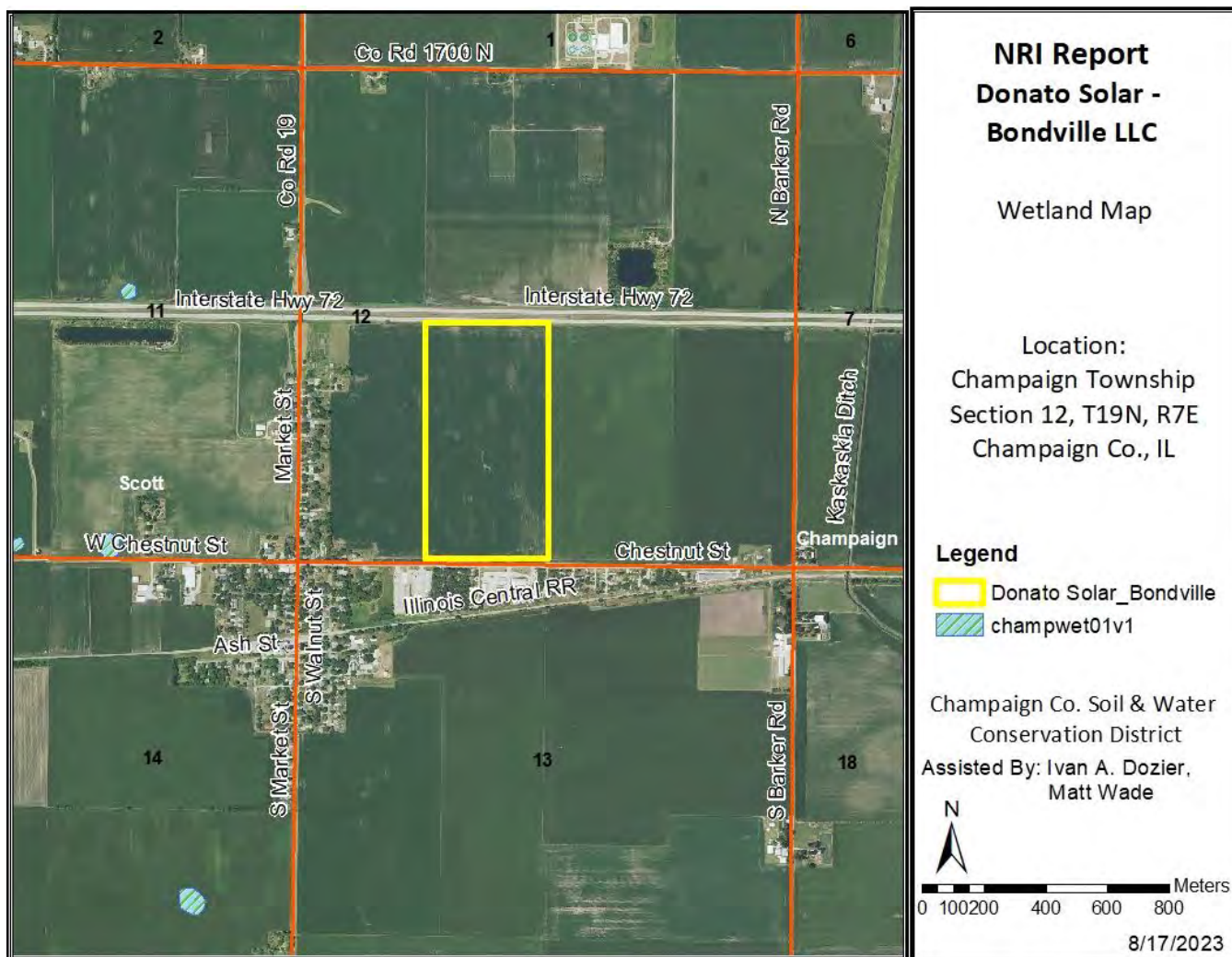




**Wetland Information**

Wetlands function in many ways to provide numerous benefits to society and the environment, including flood control, cleanse water, recharge groundwater, and provide a wildlife habitat. However, approximately 95% of the wetlands that were historically present in Illinois have been destroyed. It is crucial that we take steps to conserve current wetlands and reestablish new wetlands where once destroyed. Wetland determinations are made by a certified NRCS staff.

For the subject property: No wetlands are present near the subject property.



### Wetland and Floodplain Regulations

Please read the following if you are planning to do any work near a stream, lake, wetland, or floodway, including: dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, flood plain, or floodway subject to State or Federal regulatory jurisdiction.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State’s boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated used of the waters within the State of Illinois could permanently destroy and adversely impact the public. Therefore, please contact the proper authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

#### Regulatory Agencies:

- Wetlands or U.S. Waters: U.S. Army Corps of Engineers
- Floodplains: Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL
- Water Quality/Erosion Control: Illinois Environmental Protection Agency

Coordination: we recommend early coordination with the agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. This could reduce time required to process necessary approvals and reduce expense.

## **Cultural and Animal Resources**

### **Cultural Resources**

The most common cultural resources found during changes in land use are historical properties or non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are non-renewable because there is no way to grow a site to replace a disrupted site. Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains. Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth-moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency may require a Phase 1 Archaeological review to identify any cultural resources that may be on the site. The IHPA has not been contacted by the Champaign County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

### **Animal Resources**

According to the Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act, state agencies or local units of government must consult Illinois Department of Natural Resources (IDNR) about proposed actions that they will authorize, fund, or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants and animals or for adversely modifying a Nature Preserve or a Land and Water Preserve. Home rule governments may delegate this responsibility through duly enacted ordinances to the parties seeking authorization or funding of the action.

### **Ecologically Sensitive Areas**

Biodiversity is the sum of total of all the plants, animals, fungi, and microorganisms in the world, or in a particular area that make up the fabric of the Earth and allow it to function. Biodiversity must be protected, as it is diminishing, which weakens entire natural systems. It is intrinsically valuable for an ecosystem to be biologically diverse to sustain ecosystem health and support life.

As part of the Natural Resources Information Report, staff checks if any nature preserves are in the general vicinity of the subject property. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

For the subject property: as shown on the below EcoCAT, there is no record of sensitive areas or endangered species in or near the subject property.



*Applicant:* NRCS Champaign County Field Office  
*Contact:* Ivan A. Dozier  
*Address:* 2110 W. Park court suite C  
Champaign , IL 61821  
  
*Project:* Champaign  
*Address:* 2110 W Park Court, Champaign

*IDNR Project Number:* 2403279  
*Date:* 08/18/2023

*Description:* NRI

Data retrieval failed for the subreport, 'Environmental\_Resource\_Hits', located at:  
CDM.EcoCAT.EcoCATCommon.Reports.ResourceHits.pdf. Please check the log files for more information.

#### Location

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

Data retrieval failed for the subreport, 'SubRptCountyPLSS', located at:  
CDM.EcoCAT.EcoCATCommon.Re



#### **IL Department of Natural Resources**

**Contact**  
Impact Assessment Section  
217-785-5500  
Division of Ecosystems & Environment

#### **Government Jurisdiction**

U.S. Department of Agriculture

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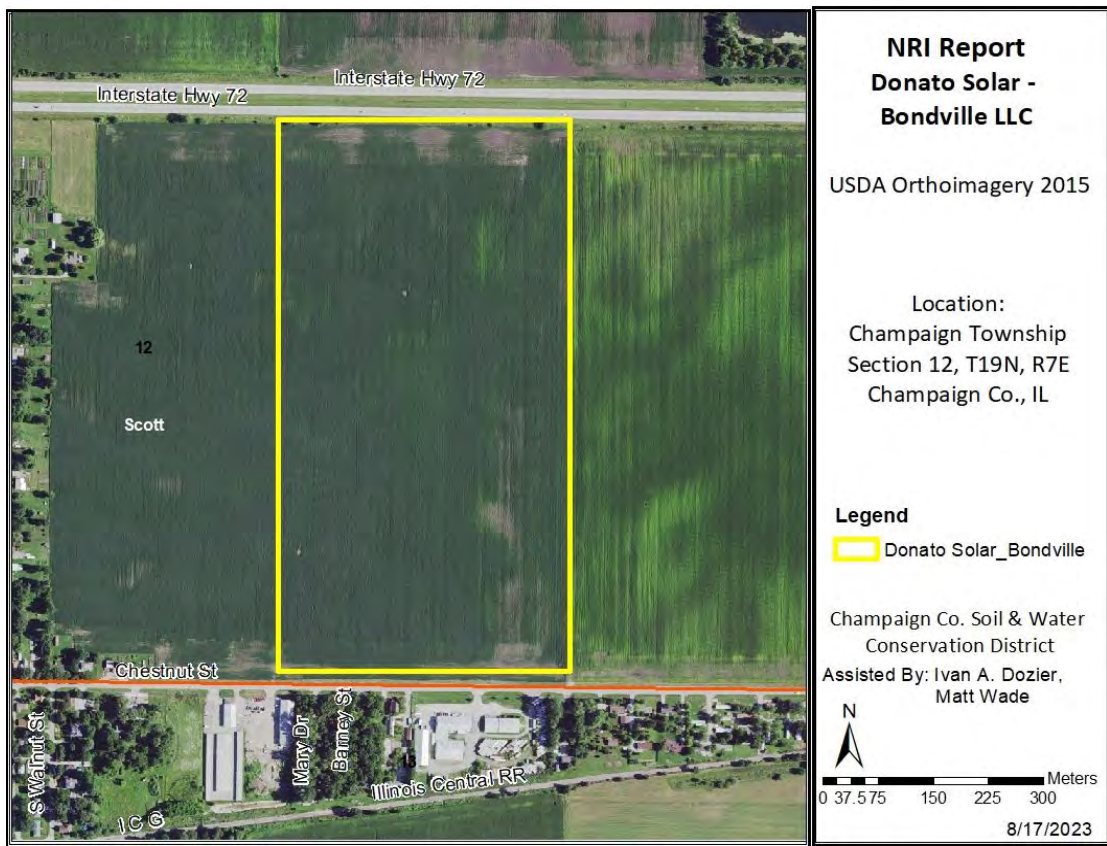
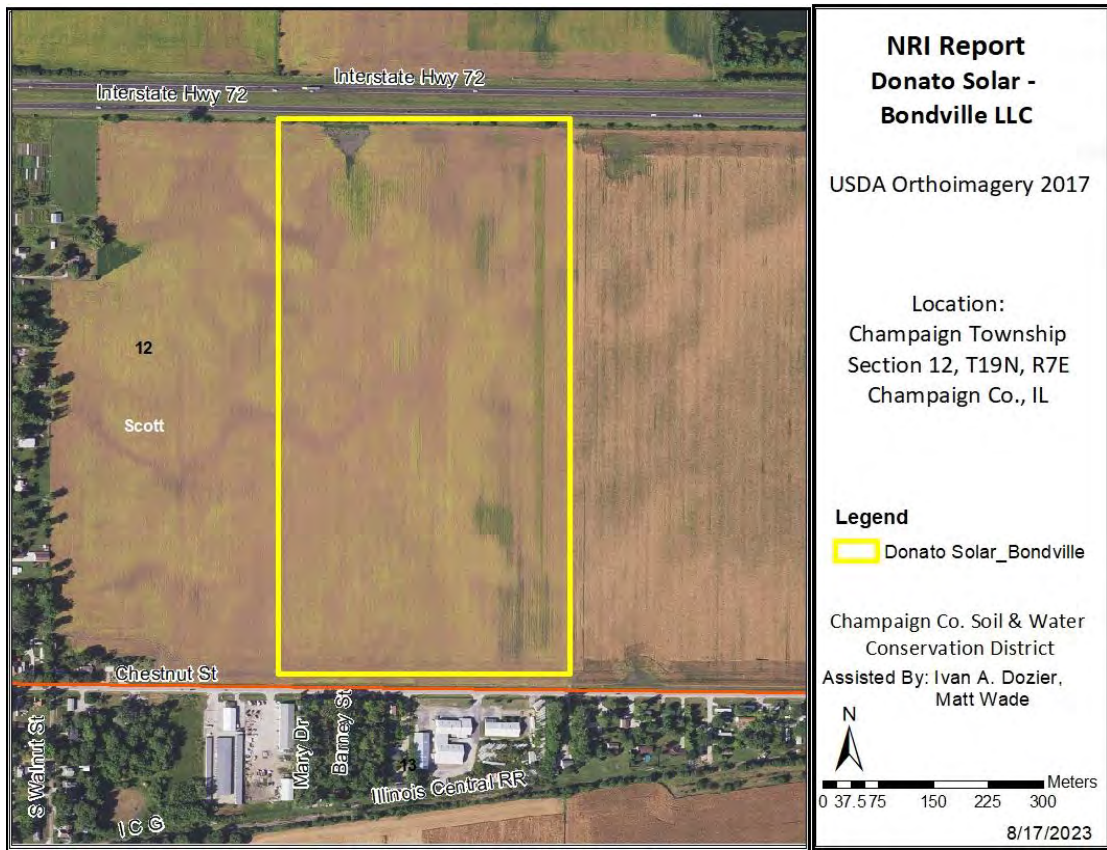
#### **Disclaimer**

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

#### **Terms of Use**

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

### Historic Aerial Photos






**NRI Report**  
**Donato Solar -**  
**Bondville LLC**

USDA Orthoimagery 2011

Location:  
Champaign Township  
Section 12, T19N, R7E  
Champaign Co., IL

**Legend**

 Donato Solar\_Bondville

Champaign Co. Soil & Water  
Conservation District

Assisted By: Ivan A. Dozier,  
Matt Wade



0 37.575 150 225 300 Meters

8/17/2023

## Glossary and Acronyms

Agriculture – The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit; and truck or vegetables, including dairy, poultry, swine, sheep, beef cattle, pony and horse, fur, and fish and wildlife; farm buildings used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, or for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants, or seasonal or year around hired farm workers.

ADT – average daily traffic that a local road normally receives, based upon records by the County Superintendent of Highways.

B.G. – below grade. Under the surface of the Earth.

Bedrock – indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

Flooding – indicates frequency, duration, and period during year when floods are likely to occur.

High Level Management – the application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near-optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses (within limits imposed by weather).

High Water Table – a seasonal highwater table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian.

Water Table, Apparent – a thick zone of free water in the soil indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

Water Table, Artesian – a water table under hydrostatic head, generally beneath an impermeable layer. When layer is penetrated, the water level rises in the uncased borehole.

Water Table, Perched – a water table standing above an unsaturated zone, often separated from a lower wet zone by a dry zone.

Delineation – (for wetlands) a series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

Determination – (for wetlands) a polygon drawn on a map using map information that gives an outline of a wetland.

Hydric Soil – soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service, 1987).

Intensive Soil Mapping – mapping done on a small, intensive scale than a modern soil survey to determine soil properties of a specific site, i.e. mapping for septic suitability.

Land Evaluation Site Assessment (L.E.S.A.) – LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

Modern Soil Survey – a soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent is shown on a map. An accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of soils under different uses and the soils' response to management. Predictions are made for areas of soil at specific places. Soil information collected in a soil survey are useful in developing land use plans and alternatives.

Palustrine – name given to inland fresh water wetlands.

Permeability – values listed estimate the range of time it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture,

soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ – parcel in question

Potential Frost Action – damage that may occur to structures and roads due to ice lens formation, causing upward and lateral soil movement. Based primarily on soil texture and wetness.

Prime Farmland – lands that are best suited for food, feed, forage, fiber, and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban, built up land, or water areas. When well-managed, the soil qualities and moisture supply provide a sustained high yield of crops with minimum inputs of energy and economic resources in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooding during the growing season. The slope ranges from 0 to 5 percent. (USDA Natural Resources Conservation Service)

Productivity Indexes – express the estimated yields of the major grain crops in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state (Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn, Joy soil series). See Circular 1156 from the Illinois Cooperative Extension Service.

Seasonal – when used in reference to wetlands, indicates the area flooded only during a portion of the year.

Shrink-Swell Potential – indicates volume changes to be expected for the specific soil material with changes in moisture content.

Soil Mapping Unit – collection of soil and miscellaneous areas delineated in mapping.

Generally, an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for tax and in terms of ranges of tax adjuncts and inclusions.

Soil Series – a group of soils formed from a type of parent material, having horizons that, except for texture of the surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, mineralogy, and chemical composition.

Subsidence – applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

Terrain – the area or surface over which a particular rock or group of rocks is prevalent.

Topsoil – portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity, and plant growth take place. Depths of topsoil vary between soil types.

Watershed – an area of land that drains to an associated water resource, such as a wetland, river, or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams, ditches, and ponding areas, such as detention structures, natural ponds, or wetlands.

Wetland – an area that has a predominance of hydric soils that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.



## References

Field Office Technical Guide. USDA Natural Resources Conservation Service.

Flood Insurance Rate Map. National Flood Insurance Program, Federal Emergency Management Agency.

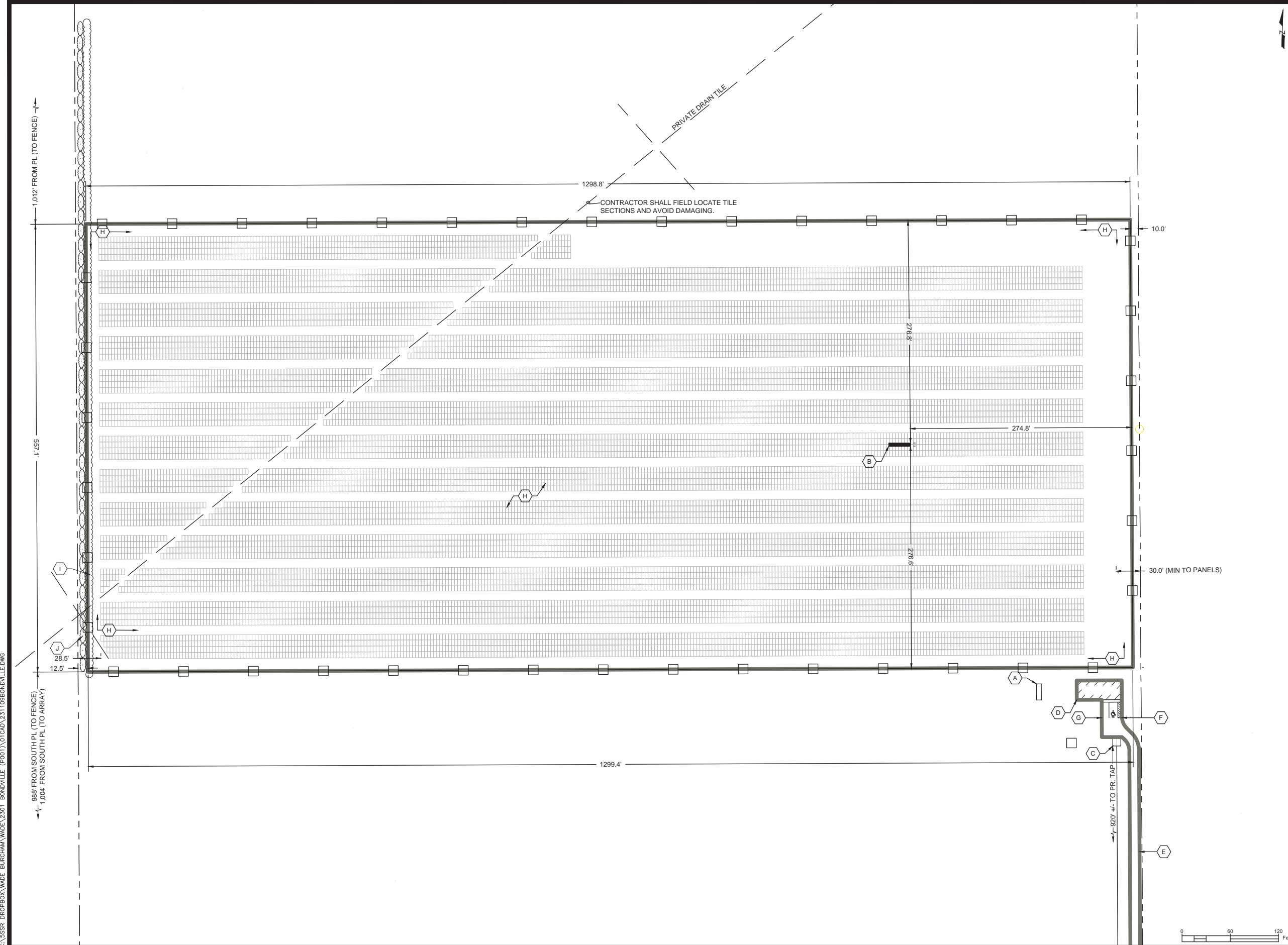
Illinois Urban Manual. 2016. Association of Illinois Soil & Water Conservation Districts.

Soil Survey of Champaign County. USDA Natural Resources Conservation Service.

Wetlands Inventory Maps. Department of the Interior.

Potential for Contamination of Shallow Aquifers in Illinois. Illinois Department of Energy and Natural Resources, State Geological Survey Division.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning, Building, and Zoning, and the Champaign County Soil and Water Conservation District. In cooperation with USDA Natural Resources Conservation Service.



**SYMBOLS LEGEND:**

EX. EXISTING  
 PR. PROPOSED

--- EX. PROPERTY LINE

[Grid Pattern] PROPOSED SOLAR PANEL ARRAY

[Wavy Line] PROPOSED SHRUBS

[Dashed Line] PROPOSED TREES

[Square] PROPOSED FENCE

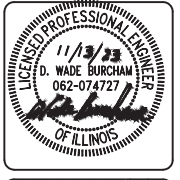
SOIL SCHEDULE

SYMB.	DESC.	B/D
67A	Harpster silty clay loam, 0 to 2 percent slopes	B/D
152A	Drummer silty clay loam, 0 to 2 percent slopes	B/D
153A	Pella silty clay loam, 0 to 2 percent slopes	B/D
198A	Elburn silt loam, 0 to 2 percent slopes	B/D

**GENERAL NOTES:**

- (A) PR. SWITCH GEAR
  - (B) PR. INVERTERS
  - (C) PR. AMEREN TRANSFORMER
  - (D) PR. DATA CENTER (56' x 24')
  - (E) PR. GRAVEL DRIVE (MAINTAIN EXISTING DRAINAGE PATTERNS EXCEPT WHERE NOTED)
  - (F) PR. ADA (VAN) PARKING SPACE, RAMP, SURFACING TO DOORWAY, PARKING BLOCK, AND SIGN
  - (G) PR. STANDARD PARKING SPACE AND BLOCK
- PERMANENT SEEDING  
 OUTSIDE OF FENCE, DISTURBED AREAS WITH HIGH TRAFFIC USE MANICURED TURF GRASS IN ACCORDANCE WITH AND OTHER LOW TRAFFIC AREAS USE NATURAL RESOURCES CONSERVATION SERVICE ILLINOIS URBAN MANUAL PRACTICE STANDARD #925 SODDING WITHIN FENCE AND OTHER LOW TRAFFIC AREAS USE:
- (H) SOLAR POLLINATOR 3' MIX - ERNMX-622:  
 91.00% BOUTELOUA GRACILIS, BAD RIVER (BLUE GRAMA, BAD RIVER)  
 4.00% ASCLEPIAS TUBEROSA (BUTTERFLY MILKWEEED)  
 2.00% CHAMAECRISTA FASCICULATA, PA ECOTYPE (PARTRIDGE PEA, PA ECOTYPE)  
 2.00% CHAMAECRISTA NICTITANS, NC ECOTYPE (SENSITIVE PEA, NC ECOTYPE)  
 0.50% OENOTHERA FRUTICOSA VAR. (FRUITICOSA SUNDROPS)  
 0.50% PENSTEMON HIRSIJUTUS (HAIRY BEARDEBTONGUE)  
 SEEDING RATE: SEED AT 8 LBS/ACRE WITH 30 LBS/ACRE OF A COVER CROP. FOR A COVER CROP USE EITHER GRAIN OATS (1 JAN TO 31 JUL), BROWN TOP MILLET (10 LBS/ACRE; 1 MAY TO 31 AUG) OR GRAIN RYE (1 AUG TO 31 DEC).
  - (I) JUNIPERUS VIRGINIANA / EASTERN RED CEDAR  
 5 GAL POT ON 9' CENTERS, 11' FROM PL
  - (J) SHRUB PLANTINGS ALTERNATE GROUPS BETWEEN SWITCH GRASS AND LITTLE BLUE STEM, 3' FROM PL  
 PANICUM VIRGATUM / SWITCH GRASS  
 2 GAL POT 3 PER GROUP  
 SCHIZACHYRIUM SCOPARIUM / LITTLE BLUESTEM  
 2 GAL POT 3 PER GROUP

WADE BURCHAM, P.E.  
 130 COUNTY ROAD 164  
 JEMISON, AL 35065  
 (912)656-6150



Date	Drawn by	Check by	Rev.	Description
11/13/23	WADE	TG		
10/31/23				
8/30/23				
8/24/23				
8/22/23				
8/17/23				
8/15/23				

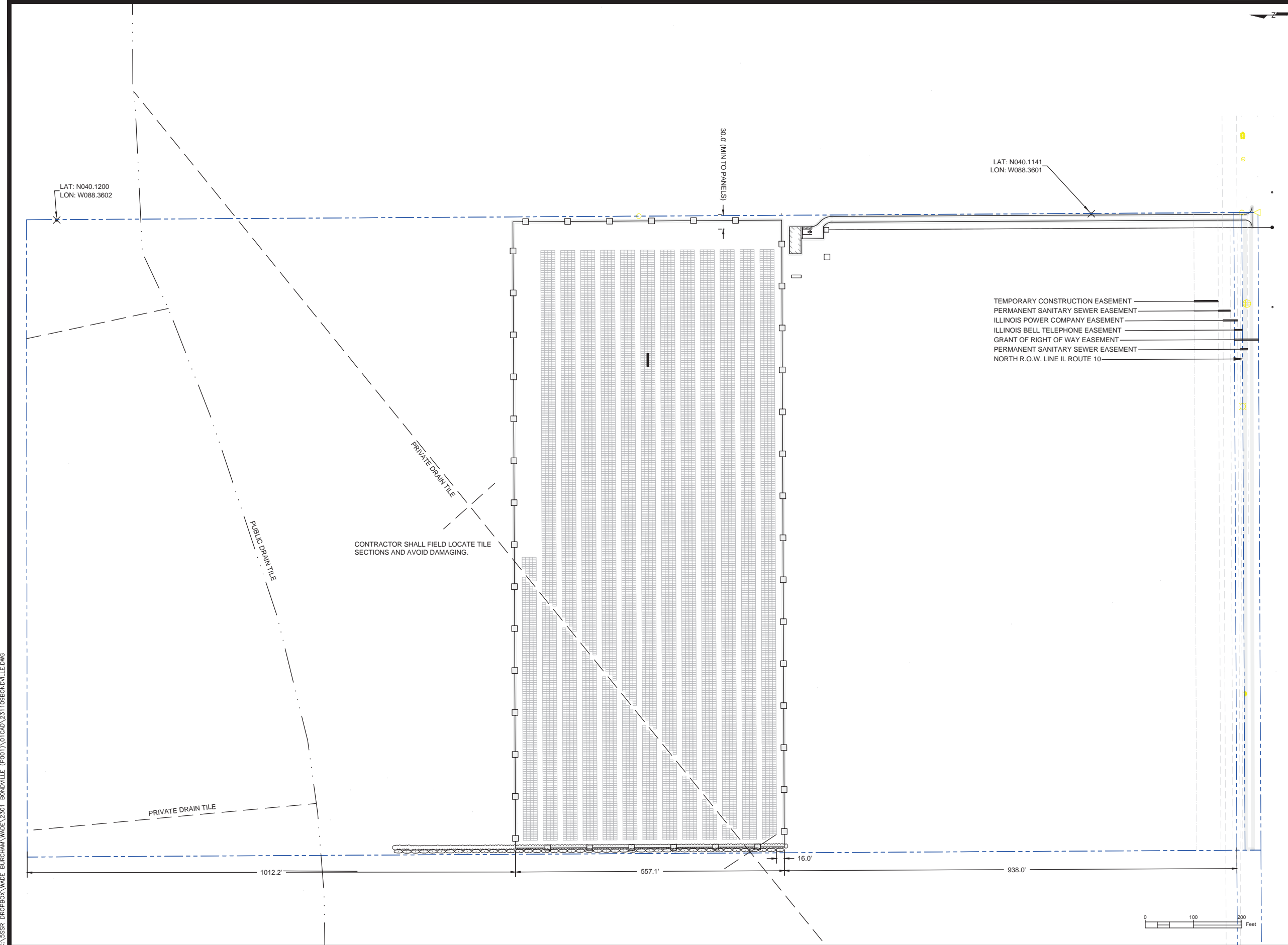
**BONDVILLE SOLAR FARM**

Project #: 2301BONDVILLE

**RECEIVED**  
 NOV 13, 2023  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING

SITE PLAN

DRAWING NO.  
**1**



**SYMBOLS LEGEND:**

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

- TEMPORARY CONSTRUCTION EASEMENT
- PERMANENT SANITARY SEWER EASEMENT
- ILLINOIS POWER COMPANY EASEMENT
- ILLINOIS BELL TELEPHONE EASEMENT
- GRANT OF RIGHT OF WAY EASEMENT
- PERMANENT SANITARY SEWER EASEMENT
- NORTH R.O.W. LINE IL ROUTE 10

GENERAL NOTES:

WADE BURCHAM, P.E.  
 130 COUNTY ROAD 164  
 JEMISON, AL 35085  
 (912)6566150



Rev.	Description	Date	Appr.
F	REVISED PANELS FOR TILES	11/09/23	WB
E	ADDED DRAIN TILES AND EASEMENT CALLS	11/09/23	WB
D	SURVEY UPDATE	10/31/23	WB
C	ADDED SEEDING	8/22/23	WB
B	ADDED DIMENSIONS	8/21/23	WB
A	ISSUED FOR COMMENT	8/15/23	WB

Drawn by: WADE  
 Check by: TG  
 Project #: 2301BONDVILLE

**BONDVILLE SOLAR FARM**  
 BONDVILLE, IL

**RECEIVED**  
 NOV 13, 2023  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING

OVERALL  
 SITE PLAN  
 DRAWING NO.  
**2**



**SYMBOLS LEGEND:**

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

WADE BURCHAM, P.E.  
 130 COUNTY ROAD 164  
 JEMISON, AL 35085  
 (912)666-6150

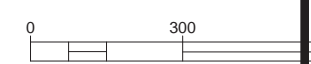


**GENERAL NOTES:**

Rev.	Description	Date	Appr.
E	ADDED TILES	11/13/23	WB
D	SURVEY UPDATE	10/21/23	WB
C	ADDED SEEDING	8/22/23	WB
B	ADDED DIMENSIONS	8/21/23	WB
A	ISSUED FOR COMMENT	8/15/23	WB

**BONDVILLE SOLAR FARM**  
 BONDVILLE, IL

**RECEIVED**  
 NOV 13, 2023  
 CHAMPAIGN COUNTY  
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DRAWING NO.  
 600 **3**  
 Feet

**RECEIVED**  
NOV 9, 2023  
CHAMPAIGN COUNTY  
PLANNING & ZONING

**PLAT OF SURVEY**

All that part of the East 1/2 of the Southwest 1/4 of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois, lying South of Interstate 72.

**Parcel Search Product**

Chicago Title Company  
Order No.: 5253-2301870

- 6.) Agreement pertaining to the running, inspection and repair of tile drain over the North 1/2 of the Southwest 1/4 of Section 12, T.19N., R.7E., 3rd P.M. for the benefit of 60 acres in the Northeast 1/4 of the Southeast 1/4 of Section 11. Document is not plottable and mentioned tile should be field located to be added to survey.
- 7.) Easement in favor of Illinois Bell Telephone Company, as shown.
- 8.) Easement to Conduct Exploratory Operations, not plottable, blanket description.
- 9.) Order Establishing Freeway, as shown.
- 10.) Easement in favor of Illinois Power Company, as shown.
- 11.) Easement in favor of Northern Illinois Water Corporation, as shown.
- 12.) Permanent Sanitary Sewer Easement in favor of the Village of Bondville, as shown.
- 13.) Temporary Construction Easement in favor of the Village of Bondville, as shown.
- 14.) Permanent Sanitary Sewer Easement in favor of the Village of Bondville, as shown.
- 15.) Temporary Construction Easement in favor of the Village of Bondville, as shown.
- 16.) Lis Pendens Notice, see document for particulars.
- 17.) Sanitary Sewer Easement in favor of the Village of Bondville, as shown.
- 18.) Sanitary Sewer Easement in favor of the Village of Bondville, as shown.
- 19.) Sanitary Sewer Easement in favor of the Village of Bondville, as shown.
- 20.) Sanitary Sewer Easement in favor of the Village of Bondville, as shown.
- 21.) Temporary Construction Easement in favor of the Village of Bondville, as shown.

SURVEYOR'S NOTE: THIS SURVEY WAS CONDUCTED WITHOUT BEING PROVIDED AN EXISTING TITLE POLICY AND NOT ALL EASEMENTS OR SPECIAL EXCEPTIONS ARE SHOWN HEREON. IT IS RECOMMENDED THAT A CURRENT TITLE POLICY BE ISSUED AND PROVIDED TO THE SURVEYOR TO PLOT ANY OTHER EXISTING EASEMENTS THAT MAY EXIST THAT COULD IMPACT DEVELOPMENT OF THE PROPERTY.

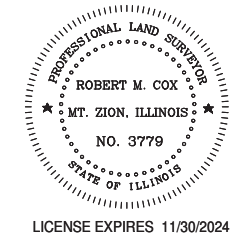


**Legend**  
Scale: 1" = 200'

- = Existing Iron Pin or Pipe From Previous Surveys
- = 5/8" Iron Pin Set This Survey
- ⊗ = Found RR Spike
- ⊙ = Set Nail & Tag This Survey
- 100.00' = Measured Dimension
- (100.00') = Record Dimension
- - - = Existing Easement

Scale in Feet  
0 200 400

Bearings are based on the Illinois State Plane Coordinate System - East Zone.



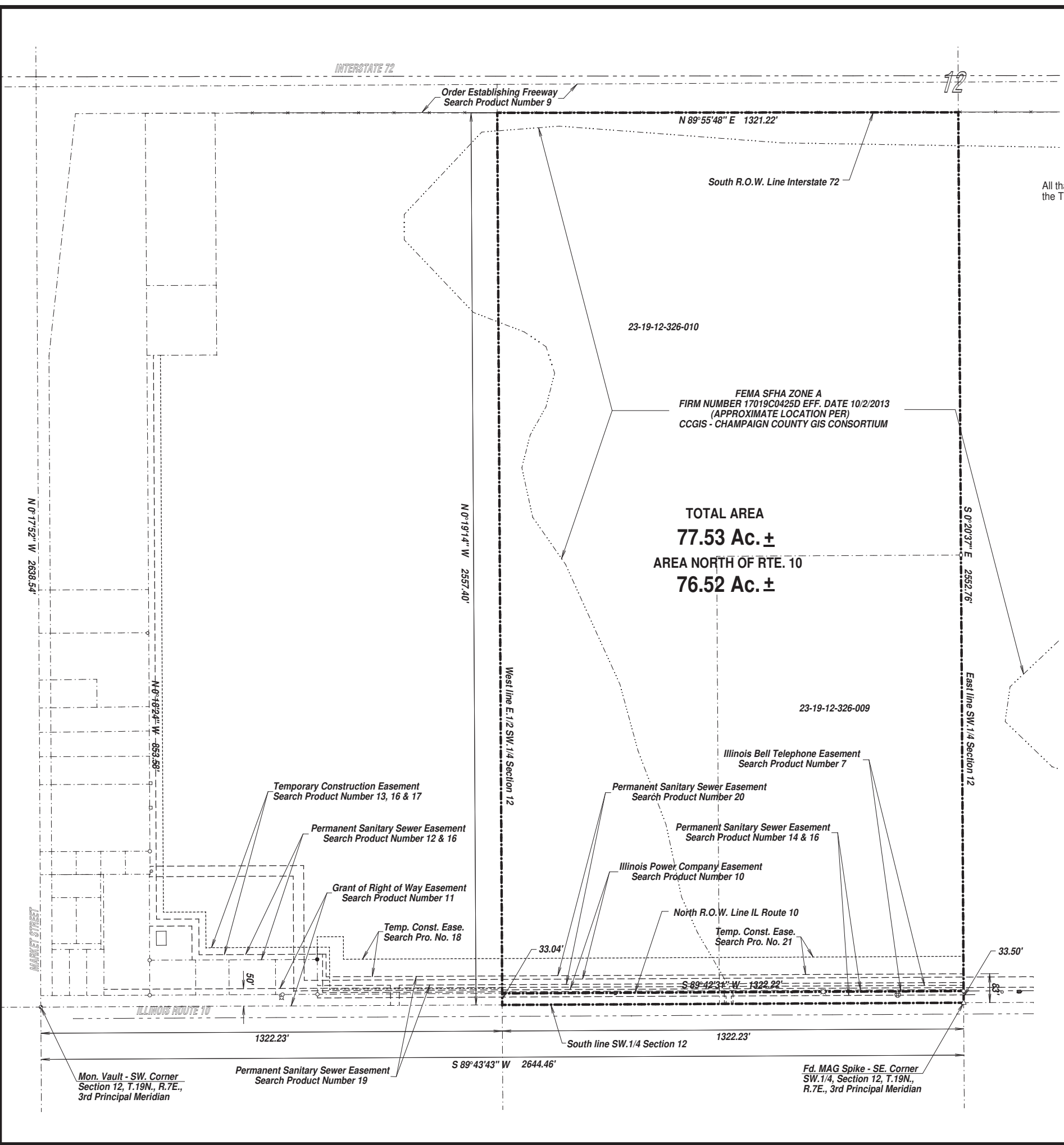
LICENSE EXPIRES 11/30/2024

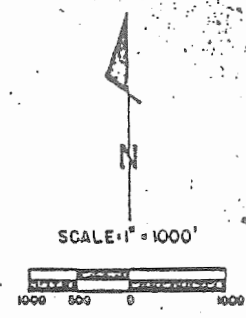
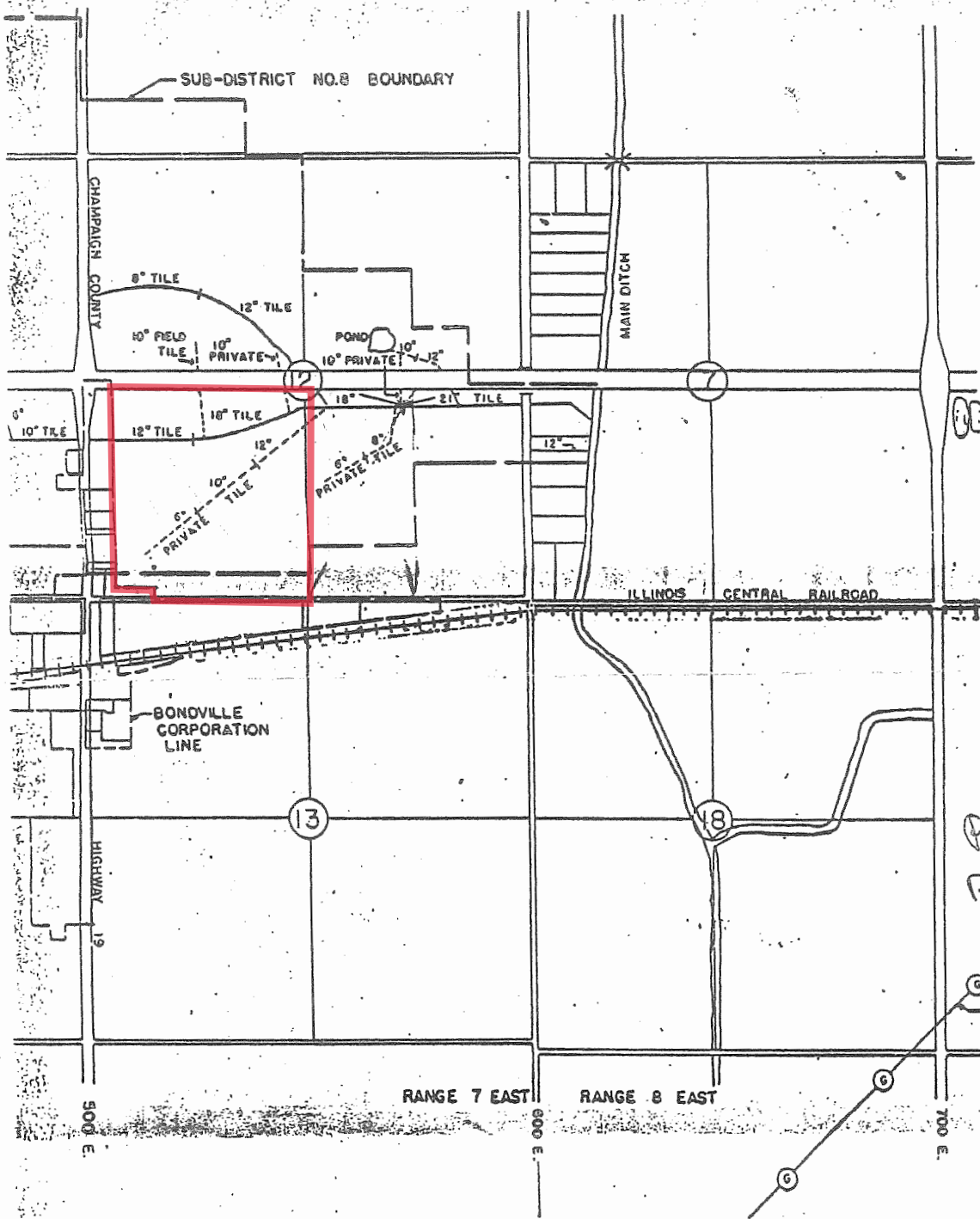
- Survey Notes:**
- 1.) The field and office procedures were performed by me, or under my direct supervision in the month of October 2023.
  - 2.) No investigation was made concerning environmental or subsurface conditions or the existence of underground utilities in the course of this survey.
  - 3.) No investigation was made concerning the compliance or non-compliance with the local zoning ordinances in effect, if any, in the course of this survey.
  - 4.) The boundary of this property was determined by the physical location of existing monumentation in Section 12 and the surrounding Sections.
  - 5.) This professional service conforms with the current Illinois Minimum Standards of Practice applicable to boundary surveys.

**Surveyor's Certificate**  
I, Robert M. Cox, Illinois Professional Land Surveyor Number 3779, do hereby certify to the best of my knowledge and belief, that this plat correctly represents the results of a survey performed by me in the month of October 2, 2023, in accordance with state statutes governing survey work in the State of Illinois.

October 2, 2023  
Revised 10.30.23

Robert M. Cox  
IL. Professional Land Surveyor No. 3779  
(License Expires November 30, 2024)





*William J. Goodman farm*  
 Part of  
 23-19-12-326-002  
 Page 5-003 Sub 8  
 Page 349 Main

*For Bud Held*  
*G. Anderson*  
 4/12/85

**RECEIVED**

NOV 9, 2023

CHAMPAIGN COUNTY  
 PLANNING & ZONING

REVISIONS		DATE
8-24-82		3-24-86
2-3-83		DRAWN BY B. H.
		CHECKED BY K. H.
		DATE 02-28-88
LOCATION PLAT SUB-DISTRICT NO. 8 FOUNTAIN HEAD DRAINAGE DISTRICT CHAMPAIGN COUNTY, ILLINOIS		ANDERSON & ASSOCIATES CONSULTING ENGINEERS URBANA, ILLINOIS

## Susan Burgstrom

---

**From:** Don Wauthier <dwauthier@bernsclancy.com>  
**Sent:** Monday, November 20, 2023 8:17 AM  
**To:** Susan Burgstrom  
**Cc:** James Cottrell; farmn4@aol.com  
**Subject:** RE: stormwater along Route 10 in Case 111-S-23 1735

**RECEIVED**  
NOV 20, 2023  
CHAMPAIGN COUNTY  
PLANNING & ZONING

**CAUTION:** External email, be careful when opening.

Susan,

Yes there is a Fountain Head DD large diameter tile line running along Rte 10. You will need to contact Commissioner Bob Barker ( [farmn4@aol.com](mailto:farmn4@aol.com)) to obtain information about its specific location. FYI the “public tile “ shown north of the proposed solar farm site is also a Fountain Head DD tile line. Mr Cottrell is the DD attorney.

Don Wauthier, Vice President  
**Berns, Clancy and Associates, P.C.**  
405 East Main Street  
Post Office Box 755  
Urbana, Illinois 61803-0755

Phone: (217) 384-1144  
Fax: (217) 384-3355  
Email: [dwauthier@bernsclancy.com](mailto:dwauthier@bernsclancy.com)

This communication is covered by the Electronic Communications Privacy Act and is intended to remain confidential. If you are not the intended recipient of this message or if this message has been sent to you in error please immediately alert the sender and delete this message and all attachments. If you are not the intended recipient do not deliver, distribute, copy, disclose the contents, or in any way rely upon the message or its contents.

---

**From:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Sent:** Friday, November 17, 2023 8:18 AM  
**To:** Don Wauthier <dwauthier@bernsclancy.com>  
**Subject:** FW: stormwater along Route 10 in Case 111-S-23

Hi Don,

Hope you are doing well. I am checking in with you to see if you can comment on the existence and location of a storm drain along the north side of Route 10 in Bondville. I have attached documents for the proposed solar farm project on the north side of Route 10 that is supposed to show all infrastructure lines and easements. Any comments you have would be appreciated!

Thanks,  
Susan

Susan Burgstrom, AICP  
Senior Planner  
Champaign County Planning & Zoning  
1776 E Washington St  
Urbana, IL 61802  
217-384-3708  
[www.co.champaign.il.us](http://www.co.champaign.il.us)

---

**From:** John Hall <[jhall@co.champaign.il.us](mailto:jhall@co.champaign.il.us)>  
**Sent:** Thursday, November 16, 2023 3:52 PM  
**To:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Subject:** stormwater along Route 10 in Case 111-S-23

Mayor Garth thinks there is a four-foot diameter storm drain along Route 10 and the material provided by the petitioner does not mention that and Saathoff said the Village worked with Fountain Head DD on that line.

I think we need to ask Don Wauthier if he can comment on that.



# Decommissioning & Site Reclamation Plan

410 E. Chestnut St., Bondville, IL 61815

6mw Ground Mounted Solar Project



Date Signed 10.22.2023  
Exp 11.30.2023



**RECEIVED**

NOV 13, 2023

CHAMPAIGN COUNTY  
PLANNING & ZONING

## Introduction

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

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

## Approval Process

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

The DSRP shall be binding upon all successors of title, lessees, any operator and/or owner of the Project, and all parties to the decommissioning and site reclamation plan. Prior to Approval, the landowner or Owner shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance (the “Security”).

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

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

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

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

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

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

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

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

## **Financial Assurance**

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

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

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

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

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

## **Further Stipulations**

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

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

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

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

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

## Permitting & Approvals

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

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

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

## Facility Description

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

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

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

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

Figure 1: Project Location





## Decommissioning

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

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

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

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

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

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

The datacenter and all relevant components will be removed and replaced with top soil.

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

## Site Restoration

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

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

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

# Donato Solar - Bondville, LLC

## Estimated Decommissioning Costs

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

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

### Permitting

State Permits	1	\$10,000	\$10,000
<b>Subtotal</b>			<b>\$10,000</b>

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

### Civil Infrastructure

Removal of Security Fence	3750 Feet	\$3.14	\$11,756
<b>Subtotal</b>			<b>\$11,756</b>

### Structural Infrastructure

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

### Electrical Collection/Transmission System

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

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

**Site Restoration**

Permanent Seeding on damaged area	20 Acres	\$250	\$5,000
<b>Subtotal</b>			\$5,000

Assumed pollinator habitat/native plant.

<b>Demolition of Datacenter building</b>			\$50,000
<b>Subtotal of Construction Activities</b>			\$569,815
<b>County Administration Cost (2.5%)</b>	0.025		\$14,245
<b>Total Demolition Costs</b>			\$584,060

**Salvage**

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

<b>70% of Salvage Value</b>		\$309,675.68
<b>Demolition Minus Salvage</b>		\$274,384.66
<b>5% Buffer</b>		\$13,719.23
<b>Total LOC Amount</b>		<b>\$288,103.90</b>

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

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**109-AM-23**

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

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

Date: ***{~~September 14~~November 30, 2023}***

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

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

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## FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023, and November 30, 2023,** the Zoning Board of Appeals of Champaign County finds that:

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

- \*1. Petitioner Anthony Donato, via IAG Investments LLC, is negotiating the purchase of the subject property. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project. Mr. Donato is the sole owner and shareholder in IAG Investments LLC and Donato Solar – Bondville LLC.
- \*2. The subject property is a 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
    - \* (1) The Bondville Comprehensive Plan adopted in May 2000 shows the subject property in the “Residential” future land use.  
  
\* (2) The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.
  - \*B. The subject property is located within Scott Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a Map Amendment.
4. Regarding comments by the petitioner, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: “N/A.”
5. Regarding comments by the petitioner, when asked on the petition what other circumstances justify the rezoning, the petitioner has indicated: “N/A.”

## GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- \*6. Land use and zoning on the subject property and in the vicinity are as follows:
  - \*A. The 77.5-acre subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*B. Land to the north, west, and east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*C. Land to the south of the subject property is inside the Village of Bondville and is a mix of commercial, industrial, and residential uses.

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\*7. Regarding the Site Plan received August 30, 2023:

\*A. Proposed features include:

- (1) The solar farm fenced area would cover approximately 17 acres.
- (2) The 24 feet by 56 feet (1,344 square feet) data center building would be located in the east-central part of the subject property.
- (3) Inverters would be located approximately 275 feet from the north, south and east property lines.
- (4) The access road would follow the east property line from IL Route 10 up to the proposed data center.
- (5) A line of vegetative screening along the central part of the west property line.

\*B. A revised Site Plan received November 13, 2023 indicated the following changes:

\* (1) A line of vegetative screening along the west side of the solar array because there is a residence within 1,000 feet of the solar array to the northwest.

\* (2) A dimensional measurement of 938 feet between the PV SOLAR ARRAY fenced area to a point approximately 18 feet north of the right-of-way line of IL Route 10. This demonstrates that the PV SOLAR ARRAY fence is 986 feet from the street centerline of IL Route 10 and over 1,000 feet from the nearest dwelling to the south.

\* (3) A 10-inch private drainage tile traversing the PV SOLAR ARRAY fenced area.

\* (4) Permanent easements for sanitary sewer, electricity, and telephone located north of the IL Route 10 right-of-way.

\*C. There are no previous zoning permits for the subject property.

\*D. There are no previous zoning cases for the subject property.

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

\*8. Regarding the existing and proposed zoning districts:

\*A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:

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

\* (2) The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.

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- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The AG-1 District is generally located throughout the county in areas that have not been placed in any other Zoning Districts.
  - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
  - (3) The subject property is adjacent to the Village of Bondville.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 13 types of uses authorized by right in the AG-1 District and there are 15 types of uses authorized by right in the AG-2 District:
    - a. There are 13 uses authorized by right in the AG-1 District that are also authorized by right in the AG-2 District:
      - (a) SINGLE FAMILY DWELLING;
      - (b) SUBDIVISIONS totaling three lots or less;
      - (c) AGRICULTURE, including customary accessory uses;
      - (d) Roadside stand operated by farm operator;
      - (e) MINOR RURAL SPECIALTY BUSINESS;
      - (f) Plant nursery;
      - (g) Township Highway maintenance garage;
      - (h) ADULT USE CANNABIS CULTIVATION CENTER;
      - (i) ADULT USE CANNABIS CRAFT GROWER;
      - (j) Christmas Tree Sales Lot;
      - (k) OFF-PREMISES SIGN within 660 feet of the edge of the RIGHT-OF-WAY of an interstate highway;
      - (l) OFF-PREMISES SIGN along federal highways except interstate highways; and
      - (m) TEMPORARY USES.
    - b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
      - (a) Country club or golf course, and
      - (b) Commercial breeding facility.
    - c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.
  - (2) There are 49 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 88 types of uses authorized by SUP in the AG-2 District:
    - a. The following 48 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
      - (a) HOTEL – no more than 15 lodging units;
      - (b) Residential PLANNED UNIT DEVELOPMENT;
      - (c) SUBDIVISIONS totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);



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- (d) MAJOR RURAL SPECIALTY BUSINESS;
- (e) Artificial lake of 1 or more acres;
- (f) Mineral extraction, quarrying, topsoil removal and allied activities;
- (g) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
- (h) Church, temple, or church related TEMPORARY USES on church PROPERTY;
- (i) Municipal or GOVERNMENT BUILDING;
- (j) Township Highway Maintenance Garage;
- (k) Adaptive reuse of GOVERNMENT BUILDINGS for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
- (l) Penal or correctional institution;
- (m) Police station or fire station;
- (n) Library, museum or gallery;
- (o) Public park or recreational facility;
- (p) Sewage disposal plant or lagoon;
- (q) Private or commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT;
- (r) Radio or television station;
- (s) Electrical substation;
- (t) Telephone exchange;
- (u) RESIDENTIAL AIRPORTS;
- (v) RESTRICTED LANDING AREAS;
- (w) HELIPORT-RESTRICTED LANDING AREAS;
- (x) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
- (y) Livestock sales facility and stockyards;
- (z) Slaughter houses;
- (aa) Grain storage elevator and bins;
- (bb) ADULT USE CANNABIS CULTIVATION CENTER;
- (cc) ADULT USE CANNABIS CRAFT GROWER;
- (dd) Agronomic Research and Training Facility;
- (ee) Riding stable;
- (ff) Commercial fishing lake;
- (gg) Cemetery or crematory;
- (hh) Pet cemetery;
- (ii) KENNEL;
- (jj) VETERINARY HOSPITAL;
- (kk) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
- (ll) SPECIFIC MATERIAL COLLECTION SITE;
- (mm) Contractors facilities (with no outdoor STORAGE nor outdoor OPERATIONS);
- (nn) Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS;
- (oo) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;

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- (pp) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS;
  - (qq) SMALL SCALE METAL FABRICATING SHOP;
  - (rr) Gas turbine peaker;
  - (ss) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);
  - (tt) PHOTOVOLTAIC SOLAR FARM (requires SUP approval by County Board);
  - (uu) Sawmills and planing mills, and related activities; and
  - (vv) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) WIND FARM (requires SUP approval by County Board).
- c. The following 40 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) TWO FAMILY DWELLING;
  - (b) Home for the aged;
  - (c) NURSING HOME;
  - (d) TRAVEL TRAILER camp;
  - (e) Commercial greenhouse;
  - (f) Greenhouse (not exceeding 1,000 square feet);
  - (g) Garden shop;
  - (h) Water treatment plant;
  - (i) Public fairgrounds;
  - (j) MOTOR BUS station;
  - (k) Truck terminal;
  - (l) Railroad yards and freight terminals;
  - (m) AIRPORT;
  - (n) HELIPORT/HELISTOPS;
  - (o) Mortuary or funeral home;
  - (p) Roadside produce sales stand;
  - (q) Feed and grain (sales only);
  - (r) ADULT USE CANNABIS TRANSPORTING ORGANIZATION;
  - (s) Artist studio;
  - (t) RESIDENTIAL RECOVERY CENTER;
  - (u) DATA CENTER;
  - (v) Antique sales and service;
  - (w) Amusement park;
  - (x) Resort or organized CAMP;
  - (y) Bait sales;
  - (z) Country club clubhouse;
  - (aa) Lodge or private club;
  - (bb) Outdoor commercial recreational enterprise (except amusement park);
  - (cc) Private indoor recreational development;
  - (dd) Public CAMP or picnic area;

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- (ee) Seasonal hunting or fishing lodge;
  - (ff) Stadium or coliseum;
  - (gg) OUTDOOR THEATRE;
  - (hh) Aviation sales, service or storage;
  - (ii) Self-storage warehouses, without heat/utilities to individual units;
  - (jj) LANDSCAPE WASTE PROCESSING FACILITIES;
  - (kk) LANDSCAPE WASTE COMPOSTING FACILITY;
  - (ll) PERMANENT COMPOSTABLE WASTE COLLECTION POINT;
  - (mm) PV SOLAR ARRAY; and
  - (nn) Wood fabricating shop and related activities.
- (4) Any proposed Special Use Permit can be evaluated on a case-by-case basis for compatibility with adjacent AG-1 uses.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

9. The County Board adopted the *Champaign County Land Resource Management Plan (LRMP)* on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:  
“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
  - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**REGARDING RELEVANT LRMP GOALS & POLICIES**

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

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

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

11. LRMP Goal 2 is entitled “Governmental Coordination” and states:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

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

12. LRMP Goal 3 is entitled “Prosperity” and states:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

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

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

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

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

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

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

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

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

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

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- (2) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
- i. Suitability of the site for the proposed use;**
  - ii. Adequacy of infrastructure and public services for the proposed use;**
  - iii. Minimizing conflict with agriculture;**
  - iv. Minimizing the conversion of farmland; and**
  - v. Minimizing the disturbance of natural areas; then**
- a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
  - b) On best prime farmland, the County may authorize non-residential discretionary development; or**
  - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

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

- \*a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
- \*b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 50 out of 200 points.
- \*c. The total LESA Score of 146 for the subject property receives the lowest protection rating in LESA, which is “low rating for protection.”
- \*d. Agricultural drainage should not be affected because an Agricultural Impact Mitigation Agreement is required for the SOLAR ARRAY.
- e. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will *HELP ACHIEVE* Policy 4.3.2 regarding site suitability on best prime farmland.
- f. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- g. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will

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either **HELP ACHIEVE** or will **NOT IMPEDE** Policies 4.2.2, 4.2.3, and 4.2.4 regarding minimizing conflict with agriculture.

- h. Regarding compliance with policies having to do with minimizing the disturbance of natural areas:
  - (a) The subject property does not contain any natural areas.
  - (b) Additional information on natural resources is provided under Item 17 of this Finding of Fact (Goal 8: Natural Resources).
- (3) Policy 4.1.8 states, **“The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**  
The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:
  - \*a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
  - \*b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 50 out of 200 points.
  - \*c. The total LESA Score of 146 for the subject property receives the lowest protection rating in LESA, which is “low rating for protection.”

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

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

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

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

- a. The proposed use of the subject property is **NOT NEGATIVELY AFFECTED** by agricultural activities because:
  - (a) The proposed project sits sufficiently back from adjacent property lines that agricultural production will not hinder the development.

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- b. The proposed development in related Cases 110-S-23 and 111-S-23 **WILL NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure because:
- (a) Agricultural related activities and systems should not be impacted by the proposed PV SOLAR ARRAY because an Agriculture Impact Mitigation Agreement will be in place.
  - (b) Regarding traffic on rural roads:
    - \*i. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. IL 10/CR 1600N/Chestnut St had an ADT of 3,350.
    - \*ii. IL 10/CR 1600N/Chestnut St near the subject property is paved and marked. The pavement is about 22 feet wide with four-foot-wide shoulders.
    - \*iii. Traffic volumes are expected to increase during construction of the PV SOLAR ARRAYS, but no Traffic Impact Analysis has been done.
    - \*iv. The Scott Township Highway Commissioner and IDOT were notified of this case, and no comments have been received.
    - \*v. The Village of Bondville was notified of this case in a letter dated August 21, 2023.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 18. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:  
**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

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

- 19. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:  
**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

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

**GENERALLY REGARDING THE LASALLE FACTORS**

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

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

**Table 1. Land Use and Zoning Summary**

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

- B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
  - (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided and so any discussion of values is necessarily general.
  - (2) Regarding the effect of the proposed amendment on the value of nearby properties:

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- a. The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.
- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
  - (1) There has been no evidence submitted regarding property values.
  - (2) If the petitioner is denied the map amendment and special use permit, the property can still be used for agricultural production.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
  - (1) The gain to the public would be the creation of solar energy that will help reduce consumption of fossil fuels.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
  - (1) Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
  - (1) The subject property has been in agricultural production for many years.
  - (2) Agricultural and a mix of uses inside the Village of Bondville surround the subject property, and no development has occurred on the north side of IL10 in this area.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
  - (1) The proposed Special Use Permits are for a DATA CENTER and PV SOLAR ARRAY.
  - (2) There has been an increase in demand for data centers for mining cryptocurrency. These types of data centers have high energy demands that are most economically fulfilled with solar energy.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
  - (1) The subject property is within the 1.5-mile extraterritorial jurisdiction of the Village of Bondville. The Comprehensive Plan Map adopted in May 2000 shows the subject property in the "Residential" future land use.
  - (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS** consistent with the LaSalle and Sinclair factors.

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**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. Regarding the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance:
- \*A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
    - \* (1) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan would be in compliance with those requirements.
    - \* (2) The subject property is surrounded on three sides by agriculture.
  - B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
    - (1) The requested Map Amendment should not decrease the value of nearby properties.
    - (2) If the petitioner is denied the map amendment and special use permit, the property can still be used for agricultural production.
  - \*C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
    - (1) Probable traffic impacts are reviewed under Policy 7.1.1.
      - \*a. The traffic generated by the proposed use will be insignificant once construction of the solar arrays is complete.
  - \*D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
    - \* (1) Most of the subject property is located within a Special Flood Hazard Area.
    - \* (2) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
  - \*E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
    - \* (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
    - \* (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
    - \* (3) Citing that the proposed map amendment and development would be “injurious to the citizens of the Village,” the Village of Bondville filed a protest on October 25,

2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.

- \*F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

- \*H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

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

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

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

There are no natural features on the subject property.

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

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

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

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

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

- \*M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed rezoning and Special Use will not hinder the development of renewable energy sources.

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

22. Proposed Special Conditions of Approval:

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

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

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

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

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

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

**DOCUMENTS OF RECORD**

1. Applications for Map Amendment, Special Use Permits and Variance received July 25, 2023
2. Preliminary Memorandum dated September 6, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan with Erosion Control Plan received August 30, 2023 (2 sheets)
  - C 2020 aerial with floodplain and 1-foot contours prepared by P&Z Staff on August 24, 2023
  - D Letter from landowner Andrew Hatch received August 18, 2023
  - E Project Narrative received August 22, 2023
  - F EcoCAT results from IDNR received August 22, 2023
  - G IDNR Historic Preservation Office letter received August 22, 2023
  - H Decommissioning and Site Reclamation Plan received August 25, 2023
  - I Security Plan received August 25, 2023
  - J Erosion Control Plan text received August 29, 2023
  - K Haul Route received August 30, 2023
  - L Inverter specification sheets received August 22, 2023
  - M Solar module specification sheets received August 22, 2023
  - N Terrasmart solar module racking specification sheets received August 22, 2023
  - O LRMP Land Use Goals, Objectives, and Policies (available on ZBA meetings website)
  - P LRMP Appendix of Defined Terms (available on ZBA meetings website)
  - Q Right to Farm Resolution 3425
  - R Site Visit Photos taken July 31, 2023
  - S Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated September 14, 2023
  - T Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated September 14, 2023
  - U Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated September 14, 2023
3. Email from Beth Chepan received September 13, 2023 (distributed at 9/14 ZBA)
4. Email from Sean Arie received September 13, 2023 (distributed at 9/14 ZBA)
5. Email from Julie Arie received September 14, 2023 (distributed at 9/14 ZBA)
6. Noise Study by Shiner Acoustics received September 14, 2023 (distributed at 9/14 ZBA)
7. Resolution of Protest from the Village of Bondville received October 25, 2023
8. Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
9. Revised Site Plan received November 13, 2023
10. Plat of Survey received November 9, 2023



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11. Fountain Head Drainage District tile map from 1985 received November 9, 2023
12. Revised Decommissioning and Site Reclamation Plan received November 13, 2023
13. Supplemental Memorandum #1 dated November 22, 2023, with attachments:
  - A Legal advertisement
  - B Resolution of Protest from the Village of Bondville received October 25, 2023
  - C Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
  - D Revised Site Plan received November 13, 2023
  - E Plat of Survey received November 9, 2023
  - F Fountain Head Drainage District tile map from 1985 received November 9, 2023
  - G Email from Don Wauthier of Berns, Clancy & Associates received November 20, 2023
  - H Revised Decommissioning and Site Reclamation Plan received November 13, 2023
  - I Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated November 30, 2023
  - J Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated November 30, 2023
  - K Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated November 30, 2023

### SUMMARY FINDING OF FACT FOR CASE 109-AM-23

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023, and November 30, 2023**, the Zoning Board of Appeals of Champaign County finds that:

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

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- c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
      - (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
      - (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
    - D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
      - Goal 1 Planning and Public Involvement
      - Goal 2 Governmental Coordination
      - Goal 3 Prosperity
      - Goal 5 Urban Land Use
      - Goal 6 Public Health & Public Safety
      - Goal 7 Transportation
      - Goal 8 Natural Resources
      - Goal 9 Energy Conservation
      - Goal 10 Cultural Amenities
    - E. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
  2. The proposed Zoning Ordinance map amendment **IS** consistent with the LaSalle and Sinclair factors because of the following:
    - A. This area has a mix of land uses.
    - B. The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.
    - C. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
    - D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
  3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
    - A. Establishing the AG-2 District in this location will **NOT WORSEN** hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters because the subject property is in the flood hazard area a Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts per the *Storm Water Management and Erosion Control Ordinance*.

- B. Establishing the AG-2 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i), see Item 21.G.).
  - C. Establishing the AG-2 District at this location **WILL NOT** impact the protection of natural features (Purpose 2.0 (o), see Item 21.J.).
  - D. Establishing the AG-2 District at this location **WILL NOT** change the agricultural nature or character of the area (Purpose 2.0 (q), see Item 21.L.).
  - E. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special conditions:
- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).**

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

**Conformance with Land Resource Management Plan Policy 4.2.3.**

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

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

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

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**FINAL DETERMINATION**

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

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

**SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- B. **The Map Amendment is contingent upon approval of Cases 110-S-23 and 111-S-23.**

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

SIGNED:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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**110-S-23 and 112-V-23**

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

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

Date: *{~~September 14~~ November 30, 2023}*

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

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

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

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

**Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires written approval of the DATA CENTER location by the relevant Fire Protection District.**

**Case 112-V-23**

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

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

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

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## **SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023, and November 30, 2023**, the Zoning Board of Appeals of Champaign County finds that:

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

- \*1. Petitioner Anthony Donato, via IAG Investments LLC, is negotiating the purchase of the subject property. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project. Mr. Donato is the sole owner and shareholder in IAG Investments LLC and Donato Solar – Bondville LLC.
- \*2. The subject property is a 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
    - \* (1) The Bondville Comprehensive Plan adopted in May 2000 shows the subject property in the “Residential” future land use.
    - \* (2) The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.
  - \*B. The subject property is located within Scott Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a Map Amendment.

### **GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

- \*4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
  - \*A. The 77.5-acre subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*B. Land to the north, west, and east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*C. Land to the south of the subject property is inside the Village of Bondville and is a mix of commercial, industrial, and residential uses.

### **GENERALLY REGARDING THE PROPOSED SPECIAL USE**

- 5. Regarding the revised Site Plan for the proposed Special Use received August 30, 2023:
  - \*A. Proposed features include:
    - \* (1) The solar farm fenced area would cover approximately 17 acres.



- \* (2) The 24 feet by 56 feet (1,344 square feet) data center building would be located in the east-central part of the subject property.
  - \* (3) Inverters would be located approximately 275 feet from the north, south and east property lines.
  - \* (4) The access road would follow the east property line from IL Route 10 up to the proposed data center.
  - \* (5) A line of vegetative screening along the central part of the west property line.
- \*B. A revised Site Plan received November 13, 2023 indicated the following changes:
- \* (1) A line of vegetative screening along the west side of the solar array because there is a residence within 1,000 feet of the solar array to the northwest.
  - \* (2) A dimensional measurement of 938 feet between the PV SOLAR ARRAY fenced area to a point approximately 18 feet north of the right-of-way line of IL Route 10. This demonstrates that the PV SOLAR ARRAY fence is 986 feet from the street centerline of IL Route 10 and over 1,000 feet from the nearest dwelling to the south.
  - \* (3) A 10-inch private drainage tile traversing the PV SOLAR ARRAY fenced area.
  - \* (4) Permanent easements for sanitary sewer, electricity, and telephone located north of the IL Route 10 right-of-way.
- \*C. There are no previous zoning permits for the subject property.
- \*D. There are no previous zoning cases for the subject property.
- E. The required variance is as follows:
- (1) Part A: Authorize a variance for 2 parking spaces in lieu of the minimum required 7 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.
  - (2) Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a “DATA CENTER” in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
  - (2) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.

- (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
  - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
  - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
  - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (4) “DATA CENTER” is a centralized location where computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data.
- (5) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (8) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (9) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (10) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
- (11) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
  - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
  - b. The site is reasonably well-suited in all respects and has no major defects.

- B. Section 5.2 authorizes a DATA CENTER as a Special Use only in the AG-2, B-4, and I-1 Zoning Districts.
- C. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
  - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
    - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
    - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
    - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
    - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
    - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- D. Section 6.1.3 Schedule of Standard Conditions for Specific Types of Uses states the following regarding a DATA CENTER:
  - 1. The location of the DATA CENTER must be approved in writing by the relevant Fire Protection District.
  - 2. The petitioner shall provide the P&Z Department with a written explanation of security features for the DATA CENTER.
  - 3. DATA CENTERS constructed with PV SOLAR ARRAYS shall be located adjacent to the solar inverter and as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice.
  - 4. Noise levels from any DATA CENTER shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code, Subtitle H: Noise, Parts 900, 901, 910).
    - A. Any applicant located within 1,500 feet of a DWELLING shall submit a noise analysis by a qualified professional that demonstrates compliance with the IPCB noise regulations similar to the requirements of Section 6.1.5 I.(3). The analysis shall include manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed DATA CENTER equipment.

- B. Enforcement shall follow protocols established in Section 6.1.5 I.(4) of the Zoning Ordinance.
- E. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
    - a. Section 7.4.1 A.1. states, “All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served.”
    - b. Section 7.4.1 A.2. states, “All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area.”
    - c. Section 7.4.1 A.3.a. states, “No such space shall be located less than 10 feet from any FRONT LOT LINE.”
    - d. Section 7.4.1 A.3.b. states, “No such space shall be located less than five feet from any side or REAR LOT LINE.”
  - (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
  - (3) For parking purposes, the Zoning Administrator has determined that a DATA CENTER requires one parking space per 200 square feet of building area.
  - (4) Section 7.4.1 C. establishes parking for off-street commercial establishments.
    - a. Section 7.4.1 C.1. states, “Such PARKING SPACE for the accommodation of a heavy motor truck, MOTOR BUS, or other VEHICLE shall be of dimensions herein specified for an off-STREET LOADING BERTH.”
    - b. Section 7.4.1 C.2. states, “The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.”
    - c. Section 7.4.1 C.3. requires establishments that are not specifically mentioned in the ordinance to provide one parking space for every 200 square feet of floor area or portion thereof.
    - d. Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
      - (a) Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet

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from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.

- (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
- (5) Section 7.4.2 refers to off-street LOADING BERTHS for commercial uses:
- a. Section 7.4.2 A. establishes general provisions for LOADING BERTHS.
    - (a) All LOADING BERTHS shall have vertical clearance of at least 14 feet.
    - (b) All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
    - (c) No VEHICLE repair or service work shall be performed on any LOADING BERTH.
    - (d) No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
  - b. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
    - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
    - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.
    - (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.

(d) All **LOADING BERTHS** shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.

(e) Schedule of off-street **LOADING BERTHS**:

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

F. Paragraph 9.1.9 D. of the Zoning Ordinance requires the ZBA to make the following findings for a variance:

(1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the Zoning Ordinance states that a variance from the terms of the Champaign County Zoning Ordinance shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:

- a. That special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district.
- b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
- c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
- d. That the granting of the variance is in harmony with the general purpose and intent of the Ordinance.
- e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

(2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.

G. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

(1) That the Special Use is necessary for the public convenience at that location;

(2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the **DISTRICT** in which it shall be located or

otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:

- a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
  - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
  - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- H. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
    - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
    - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
    - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
    - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction

- c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- I. Paragraph 9.1.11. D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
- J. Regarding the requested variance:
  - (1) The minimum number of required parking spaces is established in Section 7.4.1 C.3. of the Zoning Ordinance.
  - (2) The minimum number of loading berths is established in Section 7.4.1 C.5. of the Zoning Ordinance.

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

- 7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioner testified on the application, **“This land has been purchased and an Ameren Interconnect Agreement is in place. Public convenience is the distribution of solar generated power.”**
    - (1) The petitioner is negotiating the purchase of the subject property contingent upon approval of these zoning cases. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project.
  - B. The subject property is adjacent to the necessary power lines.

***GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE***

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
  - A. The Petitioner have testified on the application, **“The project will be designed to be as nonobtrusive as possible. Having a large setback from the Rt 10 corridor to have more room for potential development.”**
  - B. Regarding surface drainage:
    - (1) The subject property generally drains to the northeast.



(2) On November 9, 2023, the petitioner submitted a map from 1985 of drainage tiles in the Fountain Head Drainage District. The map indicates there is a 10-inch private tile traversing the PV SOLAR ARRAY fenced area. All other identified tiles on the subject property are outside of the PV SOLAR ARRAY development area. The revised Site Plan received November 9, 2023 has a note stating "Contractor shall field locate tile sections and avoid damaging."

C. Regarding impacts on traffic:

- \* (1) The subject property is located on IL10/CR 1600N/Chestnut St. The pavement surface near the subject property is paved and marked and is about 22 feet wide with four-foot-wide shoulders.
- \* (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. IL10/CR 1600N/Chestnut St had an ADT of 3,350.
- \* (3) The Scott Township Highway Commissioner and IDOT were notified of this case, and no comments have been received.

D. Regarding fire protection:

- (1) The subject property is located approximately 1,475 feet from the Bondville Fire Station. No comments have been received from the Bondville Fire Chief.

E. Most of the subject property is located within a mapped floodplain, per FEMA panel 17019C0425D.

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

G. There are no known sensitive environmental areas on the subject property.

H. Regarding outdoor lighting on the subject property, the application received July 25, 2023, does not indicate outdoor lighting. A special condition has been added to ensure compliance for any future outdoor lighting installation.

I. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed project.

J. Regarding life safety considerations related to the proposed Special Use:

- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
  - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the

code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.

- b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building

design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

K. Regarding public input received during these cases:

- (1) In an email received September 13, 2023, Beth Chepan stated that the subject property area was prime development ground that would generate tax revenue for Bondville. She said that no income would come to the Village of Bondville with the proposed solar farm. She also expressed concerns about noise and landscaping maintenance. She asked the Zoning Department to disregard Bondville as an option for the solar farm.
- (2) In an email received September 13, 2023, Sean Arie stated he is a property owner and volunteer firefighter for Bondville, and is against the proposed solar farm. He believes that Donato Solar does not intend to be a good neighbor and the development would dramatically impact the growth of the Village. He also expressed concerns about economic impacts, detriment to current residents, and limiting future residential or commercial growth.
- (3) In an email received September 14, 2023, Timothy and Julie Arie stated that as residents of the Village of Bondville, they are opposed to the proposed solar farm. They said there appears to be no benefit to the Village of Bondville. They expressed concerns about noise, upkeep, and property values.
- (4) At the September 14, 2023 ZBA meeting, the following comments were received:
  - a. John Garth, President of the Village of Bondville, stated it appears that the proposed project will not help the Village of Bondville. He said his back yard will basically be facing the solar farm and data center. He said on behalf of the Village of Bondville Trustees and residents, he expressed concerns about how the presence of the data center and solar field could present a threat to the health, peace, and safety of the residents of Bondville if desirable plans for landscape decommissioning and noise analysis aren't implemented. He added that if the project is not implemented with certain parameters, it stands to interrupt their Village's Comprehensive Plan for growth that includes commercial and residential development for that entire area. He said their comprehensive plan calls for commercial along IL Route 10 with nothing but residential behind that all the way to Interstate 72. He said the village has spent millions of dollars to put in a new sewer system, which would allow them to expand commercially and residentially along IL Route 10. He said the residents of Bondville still have 2+/- million dollars of this project to yet pay for. He said taking out all the ground and putting it into a solar field will take away the ability for them to have any residential development, which will help pay down this debt. He said there are residents directly across from the proposed location who would be impacted by what final plans are implemented regarding decommissioning, landscape, weed control, roadway upgrades, noise, and as well as any future development opportunities. He said he was concerned about fire suppression. He said they are opposed to the Special Use Permits and

changing from the AG-1 to AG-2 Zoning District. He said that they are concerned about growth of their town and property values.

- b. Ron Hursey is a resident of Bondville. He stated he has concerns about the data center building and the noise that will be created.
- c. Luke Saathoff is a resident of Bondville. He stated he has spent years on the planning commission when the comprehensive plan was put together, then spent 12 to 14 years on the village board when they did the sanitary sewer project. He said the area along IL Route 10 now has sewer, water, gas and drainage, and that is the primary area for the Village to develop. He said this is a for profit business that wants to put it here and rezone farmland and take it from what Bondville's vision was and say they have a better vision for it. He said maybe it is time for the petitioner to start working with the Village of Bondville.
- d. Brent Cork is a resident of Bondville said he has concerns that any previous investment to promote growth of the Village would be thwarted by the proposed solar farm. He said he feels that the petitioner has not answered questions about the project truthfully and that doesn't sit well.
- e. Francis Barker, who lives outside Bondville, said he was concerned about all the drainage tiles, pipelines, sewer lines, etc. going through the subject property. He said easements for that infrastructure need to be looked at and discussed.

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

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
  - A. The Petitioner testified on the application, **“By installing a solar array with native pollinator habitat put throughout the array it will help retain the essential character of the land for years to come.”**
  - B. Regarding compliance with the *Zoning Ordinance*:
    - (1) Section 5.2 authorizes a DATA CENTER as a Special Use only in the AG-2, B-4 and I-1 Zoning Districts.
    - (2) Regarding parking on the subject property for the proposed special use:

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- a. As interpreted by the Zoning Administrator, a DATA CENTER requires one parking space per 200 square feet of building area and must provide accessible parking.
  - (a) The proposed building is 1,344 square feet, which requires 7 parking spaces. The petitioner has requested a waiver for providing two parking spaces in lieu of 7 spaces.
  - (b) The revised Site Plan received ~~August 30~~November 13, 2023 shows one accessible parking space and one on the south side of the building, for a total of two provided parking spaces.
  - (c) The Illinois Accessibility Code requires one accessible parking space. A special condition has been added to ensure compliance with the Illinois Accessibility Code.
- b. Section 7.4.1 C.4. provides parking SCREENS requirements for commercial establishments. No screening is required for the parking area because it is more than 100 feet from the building restriction line of a lot containing a dwelling.
- (3) Regarding the required LOADING BERTHS:
  - a. For commercial facilities with 1,000 to 9999 square feet in floor area, one 12 feet by 40 feet LOADING BERTH must be constructed per the requirements in Section 7.4.2.
    - (a) The petitioner has requested a variance from this requirement.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
  - (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
  - (2) A special condition has been added to ensure compliance with the Ordinance.
- D. Regarding the Special Flood Hazard Areas Ordinance, most of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Bondville subdivision jurisdiction and the subject property is in compliance.
- F. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
  - (1) A special condition has been added to ensure compliance with the Illinois Accessibility Code.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
  - A. Regarding the proposed Special Use:
    - (1) In the AG-2 Zoning District, Section 5.2 authorizes a DATA CENTER only via Special Use.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
    - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.
    - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

It is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
    - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is unlikely to significantly increase traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
  - a. Most of the subject property is in a Special Flood Hazard Area.
  - b. The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
    - (a) A special condition has been added to ensure compliance.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
  - a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - c. Citing that the proposed map amendment and development would be “injurious to the citizens of the Village,” the Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY. No comments have been received regarding the proposed Special Use.
  - d. A summary of public comments received during these cases can be found under Item 8.K. of this Summary of Evidence.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the

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

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

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed DATA CENTER will be a new building.

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

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

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

There are no know natural features on the subject property.

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

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

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the



preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

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

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner testified on the application, **“The adjacent areas are properties used for agriculture-related income.”**
  - B. The proposed use is not an existing non-conforming use.

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

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- ~~A. Regarding the proposed waiver for not submitting a noise analysis: the applicants do not feel that the noise analysis is necessary because the technology they are using will be immersed in liquid, and therefore will not make noise.~~
  - A. Regarding the proposed waiver from having written approval of the DATA CENTER location from the relevant Fire Protection District: the petitioner has attempted to receive comments on the proposed project from the Bondville Fire Chief, but no comments have been received.

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

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

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

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. Regarding the proposed waiver for not ~~submitting a noise analysis having written approval of the DATA CENTER location from the relevant FIRE PROTECTION DISTRICT: the petitioner has attempted to solicit comments from the Bondville Fire Chief, but no comments have been received. the applicants do not feel that the noise analysis is necessary because the technology they are using will be immersed in liquid, and therefore will not make noise.~~

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

15. Regarding the Zoning Ordinance requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- A. Regarding the proposed waiver for not ~~submitting a noise analysis having written approval of the DATA CENTER location from the relevant FIRE PROTECTION DISTRICT:~~ the requested variance is 0% of the minimum required, for a variance of 100%.

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

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

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

17. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“There won’t be a constant stream of deliveries at this location after initial construction. It will be an unmanned facility.”**

- B. The proposed data center will be monitored remotely and will have only occasional visits by employees for maintenance. There is therefore limited need for parking and no need for a loading berth.

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

- 18. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
  - A. The Petitioner has testified on the application, **“We want to maintain as much natural habitat as possible and not put concrete on the land.”**
  - B. Without the proposed variance, the petitioner would have to utilize area set aside for the proposed PV SOLAR ARRAY for parking and loading berth areas.

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

- 19. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. The Petitioner has testified on the application, **“No. We just want to keep the land free of concrete as much as possible.”**
  - B. The petitioner does not expect any visitors to the DATA CENTER and only occasional visits by employees. They do not anticipate a need for a loading berth.

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

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

- (1) Regarding the minimum requirements for the number of loading berths: off-street loading berths are presumably required to minimize congestion in the street when deliveries are made.
  - (2) The petitioner does not anticipate deliveries at this site other than during construction.
- D. The requested variance is not prohibited by the *Zoning Ordinance*.

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

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

***GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE***

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

***GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL***

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

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

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

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

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

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

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

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

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

## DOCUMENTS OF RECORD

1. Applications for Map Amendment, Special Use Permits and Variance received July 25, 2023
2. Preliminary Memorandum dated September 6, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan with Erosion Control Plan received August 30, 2023 (2 sheets)
  - C 2020 aerial with floodplain and 1-foot contours prepared by P&Z Staff on August 24, 2023
  - D Letter from landowner Andrew Hatch received August 18, 2023
  - E Project Narrative received August 22, 2023
  - F EcoCAT results from IDNR received August 22, 2023
  - G IDNR Historic Preservation Office letter received August 22, 2023
  - H Decommissioning and Site Reclamation Plan received August 25, 2023
  - I Security Plan received August 25, 2023
  - J Erosion Control Plan text received August 29, 2023
  - K Haul Route received August 30, 2023
  - L Inverter specification sheets received August 22, 2023
  - M Solar module specification sheets received August 22, 2023
  - N Terrasmart solar module racking specification sheets received August 22, 2023
  - O LRMP Land Use Goals, Objectives, and Policies (available on ZBA meetings website)
  - P LRMP Appendix of Defined Terms (available on ZBA meetings website)
  - Q Right to Farm Resolution 3425
  - R Site Visit Photos taken July 31, 2023
  - S Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated September 14, 2023
  - T Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated September 14, 2023
  - U Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated September 14, 2023
3. Email from Beth Chepan received September 13, 2023 (distributed at 9/14 ZBA)
4. Email from Sean Arie received September 13, 2023 (distributed at 9/14 ZBA)
5. Email from Julie Arie received September 14, 2023 (distributed at 9/14 ZBA)
6. Noise Study by Shiner Acoustics received September 14, 2023 (distributed at 9/14 ZBA)
7. Resolution of Protest from the Village of Bondville received October 25, 2023
8. Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
9. Revised Site Plan received November 13, 2023
10. Plat of Survey received November 9, 2023

11. Fountain Head Drainage District tile map from 1985 received November 9, 2023
12. Revised Decommissioning and Site Reclamation Plan received November 13, 2023
13. Supplemental Memorandum #1 dated November 22, 2023, with attachments:
  - A Legal advertisement
  - B Resolution of Protest from the Village of Bondville received October 25, 2023
  - C Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
  - D Revised Site Plan received November 13, 2023
  - E Plat of Survey received November 9, 2023
  - F Fountain Head Drainage District tile map from 1985 received November 9, 2023
  - G Email from Don Wauthier of Berns, Clancy & Associates received November 20, 2023
  - H Revised Decommissioning and Site Reclamation Plan received November 13, 2023
  - I Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated November 30, 2023
  - J Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated November 30, 2023
  - K Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated November 30, 2023

## SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **110-S-23** and **112-V-23** held on **September 14, 2023**, **and November 30, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
  - a. *The subject property is adjacent to the necessary power lines.*
  
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* 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 because:
    - a. *Traffic volumes are not expected to increase significantly other than during construction of the project.*
    - b. *Notice was sent to IDOT and the Scott Township Road Commissioner, and no comments have been received.*
  
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
    - a. *The subject property is located approximately 1,475 feet from the Bondville Fire Station.*
  
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
    - a. *The subject property is surrounded by agriculture to the east, west and north, and a mix of uses to the south. The nearest dwelling to the data center is over 1,000 feet to the south.*
  
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
    - a. *Most of the subject property is located within a mapped floodplain, so a Floodplain Development Permit will be required in addition to a Zoning Use Permit.*
    - b. *A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts, per the Storm Water Management and Erosion Control Ordinance.*
  
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
    - a. *The subject property is located approximately 1,475 feet from the Bondville Fire Station.*
    - b. *Notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments have been received.*
  
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
    - a. *There is no significant increase in traffic expected for the DATA CENTER.*



- g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
  - a. *The site can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public.*
- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - a. *No additional public services are necessary for the proposed development.*
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*:
  - a. *No new public infrastructure is required for the proposed development.*

*The Board may include other relevant considerations as necessary or desirable in each case.  
The Board may include additional justification if desired, but it is not required.*

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
- 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
  - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use *IS NOT* an existing non-conforming use.

6. **SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:**
- A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance that requires written approval of the DATA CENTER location from the relevant Fire Protection District ~~noise analysis for the DATA CENTER:~~
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
    - ~~a. Relevant jurisdictions have been notified of the waiver, and no comments have been received.~~
    - a. The Bondville Fire Protection District has been notified of this case, and no comments have been received.
    - b. No comments have been received regarding the location of the DATA CENTER.
  - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
    - ~~a. The petitioner has indicated that the technology they are using will be immersed in liquid, and therefore will not make noise.~~
    - a. The petitioner has attempted to receive comments on the proposed project from the Bondville Fire Chief, but 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 petitioner would have to invest time and financial resources to acquire a professional noise study.~~
    - a. Without the proposed waiver, the petitioner would be unable to construct the DATA CENTER.
  - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
    - ~~a. The applicants do not feel that the noise analysis is necessary because the technology they are using will be immersed in liquid, and therefore will not make noise.~~
    - a. The petitioner has attempted to solicit comments from the Bondville Fire Chief, but no comments have been received.
  - (5) The requested waiver *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
    - ~~a. The petitioner stated on the application that the technology they are using will be immersed in liquid, and therefore will not make noise.~~
7. Regarding the variance:
- a. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:

- a. *The proposed data center will be monitored remotely and will have only occasional visits by employees for maintenance. There is therefore limited need for parking and no need for a loading berth.*
  - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
    - a. *Without the proposed variance, the petitioner would have to utilize area set aside for the proposed PV SOLAR ARRAY for parking and loading berth areas.*
  - c. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
    - a. *The petitioner does not expect any visitors to the DATA CENTER and only occasional visits by employees. They do not anticipate a need for a loading berth.*
  - d. The requested variance ~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
    - a. *The petitioner does not anticipate visitors or deliveries at this site. They do not expect many employee visits because the DATA CENTER will be monitored remotely.*
  - e. The requested variance ~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: *notice of the proposed variance was sent to relevant jurisdictions, and no comments have been received.*
  - f. The requested variance ~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
8. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**
- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed special use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:  
**That the proposed Special Use meets applicable State requirements for accessibility.**
  - B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:  
**That the proposed use is in compliance with the Zoning Ordinance.**

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

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

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

**FINAL DETERMINATION FOR CASE 110-S-23**

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

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

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

**Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires written approval of the DATA CENTER location by the relevant Fire Protection District.**  
~~**Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires a noise analysis to be performed for a DATA CENTER.**~~

***{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}***

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

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**FINAL DETERMINATION FOR CASE 112-V-23**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

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

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

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

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

*{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

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

SIGNED:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

**DRAFT REVISED 11/30/23**

**111-S-23**

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

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

Date: *{~~September 14~~November 30, 2023}*

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

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

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

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

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

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## **SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023, and November 30, 2023** the Zoning Board of Appeals of Champaign County finds that:

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

- \*1. Petitioner Anthony Donato, via IAG Investments LLC, is negotiating the purchase of the subject property. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project. Mr. Donato is the sole owner and shareholder in IAG Investments LLC and Donato Solar – Bondville LLC.
- \*2. The subject property is a 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.
  - A. The proposed PV SOLAR ARRAY fenced area would cover about 17 acres.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
    - \* (1) The Bondville Comprehensive Plan adopted in May 2000 shows the subject property in the “Residential” future land use.
      - \* (2) The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.
  - \*B. The subject property is located within Scott Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a Map Amendment.

### ***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

- 4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
  - \*A. The 77.5-acre subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*B. Land to the north, west, and east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*C. Land to the south of the subject property is inside the Village of Bondville and is a mix of commercial, industrial, and residential uses.

### ***GENERALLY REGARDING THE PROPOSED SPECIAL USE***

- 5. Regarding the Site Plan for the proposed Special Use received August 30, 2023:
  - \*A. Proposed features include:
    - \* (1) The solar farm fenced area would cover approximately 17 acres.



**DRAFT REVISED 11/30/23**

**Case 111-S-23**  
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- \* (2) The 24 feet by 56 feet (1,344 square feet) data center building would be located in the east-central part of the subject property.
  - \* (3) Inverters would be located approximately 275 feet from the north, south and east property lines.
  - \* (4) The access road would follow the east property line from IL Route 10 up to the proposed data center.
  - \* (5) A line of vegetative screening along the central part of the west property line.
- \*B. A revised Site Plan received November 13, 2023 indicated the following changes:
- \* (1) A line of vegetative screening along the west side of the solar array because there is a residence within 1,000 feet of the solar array to the northwest.
  - \* (2) A dimensional measurement of 938 feet between the PV SOLAR ARRAY fenced area to a point approximately 18 feet north of the right-of-way line of IL Route 10. This demonstrates that the PV SOLAR ARRAY fence is 986 feet from the street centerline of IL Route 10 and over 1,000 feet from the nearest dwelling to the south.
  - \* (3) A 10-inch private drainage tile traversing the PV SOLAR ARRAY fenced area.
  - \* (4) Permanent easements for sanitary sewer, electricity, and telephone located north of the IL Route 10 right-of-way.
- \*C. There are no previous zoning 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 “PV SOLAR FARM” in the AG-2 Agriculture Zoning District in the *Zoning Ordinance*:
- A. The County Board amended the Zoning Ordinance by adopting PV SOLAR FARM requirements when it adopted Ordinance No. 2018-4 on August 23, 2018.
  - B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
    - (2) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used

***DRAFT REVISED 11/30/23***

for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
  - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
  - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
  - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (4) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
- (5) “DATA CENTER” is a centralized location where computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data.
- (6) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (7) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
- (8) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
- (9) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.

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- (10) “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.
- (11) “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.
- (12) “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.
- (13) “LOT LINES” are the lines bounding a LOT.
- (14) “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).
- (15) “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.
- (16) “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.
- (17) “PV SOLAR ARRAY” is a collection of multiple photovoltaic solar panels that convert sunlight to electricity as a system primarily to be used onsite.
- (18) “PV SOLAR FARM” is a unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and water wells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.
- (19) “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

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has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.

- (20) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (21) “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.
- (22) “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.
- (23) “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.
- (24) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (25) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (26) “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.
- (27) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
  - a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.

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- (28) **WELL SUITED OVERALL:** A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be **WELL SUITED OVERALL** if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
  - b. The site is reasonably well-suited in all respects and has no major defects.
- C. Section 4.2.1 C.6. states: It shall be unlawful to erect or establish more than one **MAIN** or **PRINCIPAL STRUCTURE** or **BUILDING** per **LOT** or more than one **PRINCIPAL USE** per **LOT** in the **AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS** other than in **PLANNED UNIT DEVELOPMENTS** except as follows:
6. A **PV SOLAR ARRAY** may be authorized as a County Board **SPECIAL USE Permit** in the **AG-2 Agriculture Zoning District** as a second **PRINCIPAL USE** on a **LOT** with another **PRINCIPAL USE.**”
- D. Section 5.2 only authorizes a “**PV SOLAR ARRAY**” as a County Board Special Use Permit in the **AG-2, Business, and Industrial Zoning Districts.**
- (1) Section 5.2 Footnote 29 states: “A **PV SOLAR ARRAY** with one megawatt or more is permitted by a **COUNTY BOARD Special Use Permit**, subject to the requirements of Sections 6.1.1 and 6.1.5 of the Zoning Ordinance and shall also be a second **PRINCIPAL USE** requiring a Special Use Permit per Section 4.2.1 F. A **PV SOLAR ARRAY** with less than one megawatt is permitted under the terms of Section 7.9 **ACCESSORY PV SOLAR ARRAY.**”
- E. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.

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- F. For a PV SOLAR ARRAY, Section 6.1.3 Schedule of Standard Conditions for Specific Types of Special Uses states: “1. The following requirements are in lieu of the requirements of Section 6.1.5 B.(3):
- A. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
  - B. Documentation must be provided that the utility has accepted the application for the PV SOLAR ARRAY prior to issuance of the Zoning Compliance Certificate.”
- G. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
  - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).
  - (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
  - (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.

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- (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
  - (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
  - (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.
  - (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
  - (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
  - (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.
  - (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- H. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.

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- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- I. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
    - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
    - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
    - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
    - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
    - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
  - (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- J. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.



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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioner has testified on the application, **“This land has been purchased and an Ameren Interconnect Agreement is in place. Public convenience is the distribution of solar generated power.”**
    - (1) The petitioner is negotiating the purchase of the subject property contingent upon approval of these zoning cases. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project.
  - B. The State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State’s energy coming from renewable sources by the year 2025.
  - C. The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.
  - D. The subject property is adjacent to power lines needed for the PV SOLAR ARRAY.

**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
  - A. The Petitioner has testified on the application, **“The project will be designed to be as nonobtrusive as possible. Having a large setback from the Rt 10 corridor to have more room for potential development.”**
  - B. Regarding surface drainage:
    - (1) The subject property generally drains to the northeast.
    - (2) ~~No information was provided regarding possible drainage tiles on the subject property. On November 9, 2023, the petitioner submitted a map from 1985 of drainage tiles in the Fountain Head Drainage District. The map indicates there is a 10-inch private tile traversing the PV SOLAR ARRAY fenced area. All other identified tiles on the subject property are outside of the PV SOLAR ARRAY development area. The revised Site Plan received November 9, 2023 has a note stating “Contractor shall field locate tile sections and avoid damaging.”~~
    - (3) The decommissioning plan received with the application on August 25, 2023, states: “Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for property storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment.”

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- C. Regarding traffic in the subject property area:
- \* (1) The subject property is located on IL10/CR 1600N/Chestnut St. The pavement surface near the subject property is paved and marked and is about 22 feet wide with four-feet-wide shoulders.
  - \* (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. IL10/CR 1600N/Chestnut St had an ADT of 3,350.
  - \* (3) The Scott Township Highway Commissioner and IDOT were notified of this case, and no comments have been received.
- D. Regarding fire protection:
- (1) The subject property is located approximately 1,475 feet from the Bondville Fire Station. No comments have been received from the Bondville Fire Chief.
- E. Most of the subject property is located within a mapped floodplain, per FEMA panel 17019C0425D.
- F. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
- G. Regarding sensitive environmental areas, the EcoCAT Report received on August 22, 2023 indicated “no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.”
- H. Regarding outdoor lighting on the subject property, the application received July 25, 2023, does not indicate outdoor lighting. A special condition has been added to ensure compliance for any future outdoor lighting installation.
- I. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed project.
- J. Regarding parking, there is no required parking for the proposed PV SOLAR ARRAY.
- K. Regarding public input received during these cases:
- (1) In an email received September 13, 2023, Beth Chepan stated that the subject property area was prime development ground that would generate tax revenue for Bondville. She said that no income would come to the Village of Bondville with the proposed solar farm. She also expressed concerns about noise and landscaping maintenance. She asked the Zoning Department to disregard Bondville as an option for the solar farm.

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- (2) In an email received September 13, 2023, Sean Arie stated he is a property owner and volunteer firefighter for Bondville, and is against the proposed solar farm. He believes that Donato Solar does not intend to be a good neighbor and the development would dramatically impact the growth of the Village. He also expressed concerns about economic impacts, detriment to current residents, and limiting future residential or commercial growth.
- (3) In an email received September 14, 2023, Timothy and Julie Arie stated that as residents of the Village of Bondville, they are opposed to the proposed solar farm. They said there appears to be no benefit to the Village of Bondville. They expressed concerns about noise, upkeep, and property values.
- (4) At the September 14, 2023 ZBA meeting, the following comments were received:
- a. John Garth, President of the Village of Bondville, stated it appears that the proposed project will not help the Village of Bondville. He said his back yard will basically be facing the solar farm and data center. He said on behalf of the Village of Bondville Trustees and residents, he expressed concerns about how the presence of the data center and solar field could present a threat to the health, peace, and safety of the residents of Bondville if desirable plans for landscape decommissioning and noise analysis aren't implemented. He added that if the project is not implemented with certain parameters, it stands to interrupt their Village's Comprehensive Plan for growth that includes commercial and residential development for that entire area. He said their comprehensive plan calls for commercial along IL Route 10 with nothing but residential behind that all the way to Interstate 72. He said the village has spent millions of dollars to put in a new sewer system, which would allow them to expand commercially and residentially along IL Route 10. He said the residents of Bondville still have 2+/- million dollars of this project to yet pay for. He said taking out all the ground and putting it into a solar field will take away the ability for them to have any residential development, which will help pay down this debt. He said there are residents directly across from the proposed location who would be impacted by what final plans are implemented regarding decommissioning, landscape, weed control, roadway upgrades, noise, and as well as any future development opportunities. He said he was concerned about fire suppression. He said they are opposed to the Special Use Permits and changing from the AG-1 to AG-2 Zoning District. He said that they are concerned about growth of their town and property values.
- b. Ron Hursey is a resident of Bondville. He stated he has concerns about the data center building and the noise that will be created.
- c. Luke Saathoff is a resident of Bondville. He stated he has spent years on the planning commission when the comprehensive plan was put together, then spent 12 to 14 years on the village board when they did the sanitary sewer project. He said the area along IL Route 10 now has sewer, water, gas and drainage, and that is the primary area for the Village to develop. He said this

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is a for profit business that wants to put it here and rezone farmland and take it from what Bondville's vision was and say they have a better vision for it. He said maybe it is time for the petitioner to start working with the Village of Bondville.

d. Brent Cork is a resident of Bondville said he has concerns that any previous investment to promote growth of the Village would be thwarted by the proposed solar farm. He said he feels that the petitioner has not answered questions about the project truthfully and that doesn't sit well.

e. Francis Barker, who lives outside Bondville, said he was concerned about all the drainage tiles, pipelines, sewer lines, etc. going through the subject property. He said easements for that infrastructure need to be looked at and discussed.

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, **“By installing a solar array with native pollinator habitat put throughout the array it will help retain the essential character of the land for years to come.”**
- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
- (1) Section 5.2 authorizes a PV SOLAR FARM only by a County Board Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts. It is not permitted by right in any district.
  - (2) There is no required parking.
  - (3) Requirements for what must be included in the area of the PV SOLAR ARRAY Special Use Permit are in subparagraph 6.1.5 B.(1).
    - a. The revised Site Plan received ~~August 30~~ November 13, 2023 appears to conform to this requirement.
  - (4) Requirements which identify certain areas where a PV SOLAR ARRAY Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).

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- a. Item 6.1.5 B.(2)a. requires a PV SOLAR ARRAY to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
- (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
    - i. The 77.5-acre subject property is located within one-half mile of the Village of Bondville and is within Bondville's contiguous urban growth area.
    - ii. ~~No comments have been received from the Village of Bondville as of September 6, 2023. The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.~~
  - (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
    - i. Village President John Garth acknowledged receipt of the SPECIAL USE permit application on August 25, 2023.
  - (c) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board.
    - i. ~~The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY. No resolution from the Village of Bondville has been received as of September 6, 2023.~~
    - ii. Notice of the September 14, 2023, ZBA public hearing was sent by P&Z Staff to the Village of Bondville on August 21, 2023.

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- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3), but for a PV SOLAR ARRAY, the following requirements are in lieu of the requirements of Section 6.1.5B.(3):
- a. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
    - (a) A signed interconnection agreement was received on August 25, 2023.
  - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR ARRAY prior to issuance of the Zoning Compliance Certificate.
- (6) Requirements regarding Right to Farm can be found in Subparagraph 6.1.5 B.(4): “The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.”
- a. A special condition was added to rezoning Case 109-AM-23 to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.
- (8) Requirements regarding minimum separations for PV SOLAR ARRAYS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The revised Site Plan received ~~August 30~~November 13, 2023 shows the separation between the solar farm fence and adjacent buildings and uses to the south.
  - b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
    - (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to be set back from the street centerline a minimum of 40 feet from a MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.

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- i. The revised Site Plan received ~~August 30~~November 13, 2023 indicates the fenced area will be ~~1,000~~986 feet from the street centerline of IL Route 10.
  
- (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is no required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.
  - i. The subject property meets minimum zoning lot requirements.
  
- (c) Subparagraph 6.1.5 D.(3)a. states that for any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
  - i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
    - (i) There is approximately 1,000 feet between the PV SOLAR FARM fenced area and any adjacent LOT that is 10 acres or less in area.
  
  - ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the BOARD.
    - (i) There are no adjacent lots abutting more than two sides of the PV SOLAR FARM.
  
- (d) Subparagraph 6.1.5 D.(3)b. states that for any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
  - i. No adjacent lots of more than 10 acres in area have DWELLINGS or PRINCIPAL BUILDINGS.
  
- (e) Subparagraph 6.1.5 D.(3)c. states that additional separation may be required to ensure that the noise level required by 35 Ill. Admin. Code Parts 900, 901 and 910 is not exceeded or for other purposes deemed necessary by the BOARD.
  - i. There are no proposed additional separations at this time.
  
- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities unless the SPECIAL USE permit application includes

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- 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 are no airports or restricted landing area facilities within 500 feet.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- i. There are no new substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
- i. P&Z Staff has verified that the inverters shown on the revised Site Plan received ~~August 30~~November 13, 2023, are approximately 275 feet away from the PV SOLAR FARM perimeter fence.
  - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the revised Site Plan received ~~August 30~~November 13, 2023:
    - (i) The closest distance between the property line and an inverter is approximately 1,350 feet.
- (i) Subparagraph 6.1.5 D.(7) states that separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the BOARD on a case-by-case basis.
- i. The application stated that the arrays will not exceed 8 feet in height.
- (j) Subparagraph 6.1.5 D.(8) states that PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.
- i. The revised Site Plan received ~~August 30~~November 13, 2023, shows that there is at least a 26 feet separation between the east and west property lines and the nearest array.



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- (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 July 25, 2023, does not include any buildings. The data center building is independent of the solar arrays.
  - b. Subparagraph 6.1.5 E.(2) establishes minimum requirements for electrical components.
    - (a) Part 6.1.5 E.(2)a. states that all electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
      - i. No information was required or submitted for the Special Use Permit application.
    - (b) Part 6.1.5 E.(2)b. states that burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.
      - i. No information was required or submitted for the Special Use Permit application.
  - c. Subparagraph 6.1.5 E.(3) states that the height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM, and requires the maximum height of all above ground STRUCTURES to be identified in the application and as approved in the SPECIAL USE permit.
    - (a) The petitioner indicated that all above ground structures would be less than eight feet tall.
    - (b) Solar array height will be under eight feet.
  - d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
    - (a) The petitioner will provide warning signs.
  - e. Subparagraph 6.1.5 E.(5) requires that no PV SOLAR FARM construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility

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unless specifically authorized by a crossing agreement that has been entered into with the relevant party.

- (a) The petitioner has not provided information regarding drainage district tile on the subject property.
  - (b) The subject property does not have a connection to public sewer or water.
  - (c) Champaign County Geographic Information Systems data shows an Ameren gas line within the road right-of-way on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
  - b. The Applicant is required to sign an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per 505 ILCS 147/15(b). A special condition has been added to ensure compliance.
  - c. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
    - (a) No information was required or submitted for the Special Use Permit application.
  - d. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
    - (a) No information has been provided regarding possible agricultural tile on the subject property. On November 9, 2023, P&Z Staff received a map from 1985 showing drainage tiles in the subject property area from Fountain Head Drainage District. The map indicates a private tile traversing the subject property, with the 10-inch private tile crossing the PV Solar Array fenced area. The map suggests that there are no Drainage District tiles impacted by the proposed development. The petitioner noted on the Site Plan received November 13, 2023 that the contractor would field locate tile sections and avoid damaging them.
    - (b) Village President John Garth made P&Z Staff aware that there is a large drainage tile running adjacent to IL10 that is not shown on the

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Site Plan received November 13, 2023, and that the work was done in conjunction with Fountain Head Drainage District. P&Z Staff contacted Don Wauthier of Berns, Clancy & Associates because he has done engineering work with Fountain Head Drainage District. In an email received November 20, 2023, Mr. Wauthier stated that there is a large diameter tile line belonging to Fountain Head Drainage District running along IL 10 and said Bob Barker with Fountain Head Drainage District would have the exact location.

- e. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
    - (a) No information was required or submitted for the Special Use Permit application.
  - f. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
    - (a) No information was required or submitted for the Special Use Permit application.
  - g. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
    - (a) No information was required or submitted for the Special Use Permit application.
  - h. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
    - (a) No information was required or submitted for the Special Use Permit application.
  - i. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
    - (a) No information was required or submitted for the Special Use Permit application.
  - j. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
    - (a) No information was required or submitted for the Special Use Permit application.
  - k. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
    - (a) The petitioner provided ground cover specifics on the revised Site Plan received ~~August 30~~ November 13, 2023.
- (11) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- a. Paragraph 6.1.5 G.(1) requires the Applicant to enter into a signed Roadway Upgrade and Maintenance agreement approved by the County Engineer and State's Attorney and/or any relevant Township Highway Commissioner

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prior to the close of the public hearing for the use of public streets, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.

- (a) The petitioner submitted a haul route received August 30, 2023 that only uses state and federal highways, so no Roadway Upgrade and Maintenance Agreement is necessary. A special condition has been added regarding the haul route.
  - b. Paragraph 6.1.5 G.(2) requires that the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality.
    - (a) No information was required or submitted for the Special Use Permit application.
  - c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway Use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
    - (a) No information was required or submitted for the Special Use Permit application.
- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- a. The subject property is located approximately 1,475 feet from the Bondville Fire Station.
  - b. No information was provided in the application regarding the petitioner's cooperation with the Bondville Fire Department in creating an emergency response plan for the proposed solar farm.
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
    - (a) ~~A request for a waiver was added so the petitioner can provide this information at a later time. A Noise Analysis was received on September 14, 2023, which demonstrates compliance with the aforementioned regulations. A waiver is no longer necessary.~~
      - i. The noise study indicates an existing ambient nighttime noise level of 63 dBA and an average noise level of 68 dBA for the existing homes along IL 10. The predicted noise level for the

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DATA CENTER and PV SOLAR ARRAY is 36 dBA, which is lower than the existing ambient noise level.

- b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
  - (a) The project size is not considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is required.
  - (b) ~~A request for a waiver was added so the petitioner can provide this information at a later time.~~ A Noise Analysis was received on September 14, 2023. A waiver is no longer necessary.
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
  - a. The EcoCAT report received August 22, 2023 indicated no endangered species in the vicinity of the subject property.
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
  - a. The letter from the IDNR State Historic Preservation Office received August 22, 2023 indicated no historic properties would be affected.
- (16) Paragraph 6.1.5 L. states: “The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.”
  - a. No information was required or submitted for the Special Use Permit application.
- (17) Paragraph 6.1.5 M. contains standard conditions for screening and fencing.
  - a. Subparagraph 6.1.5 M.(1) requires the PV SOLAR FARM to have perimeter fencing that is at least 7 feet tall, with Knox boxes and keys provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.
    - (a) ~~Regarding a vegetation management plan, the petitioner has requested a waiver to provide a Landscape Plan with weed control plan at a later date.~~ The petitioner has provided proposed vegetative cover on the revised Site Plan received November 13, 2023. Required fencing and Knox boxes are included in the application.
  - 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.

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- i. There is one dwelling approximately 950 feet northwest of the PV SOLAR ARRAY fenced area.
  - ii. The revised Site Plan received ~~August 30~~November 13, 2023 indicates a line of vegetative screening along the central part of the west property line.
- (18) Paragraph 6.1.5 N. contains standard conditions to minimize glare from the PV SOLAR FARM. Subparagraph 6.1.5 N.(1) requires that the design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
  - a. The petitioner intends to utilize VSUN545-144BMH-DG panels which are constructed of anti-reflective coated tempered glass.
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
  - a. No information was required for the Special Use Permit application.
- (20) Paragraph 6.1.5 P. contains other standard conditions for operation of the PV SOLAR FARM.
  - a. Subparagraph 6.1.5 P.(1)c. states: “The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”
    - (a) The petitioner stated that they expect rainfall to clean the solar panels sufficiently.
  - b. Subparagraph 6.1.5 P.(3) states: “The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). The weed control plan shall be explained in the application.”
    - (a) ~~The petitioner has requested a waiver to provide a Landscape Plan with weed control plan at a later date. The petitioner has provided proposed vegetative cover on the revised Site Plan received November 13, 2023.~~
    - (b) The type of racking for the solar modules is designed to be approximately 18 inches above grade at the low end of the module.

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- i. P&Z Staff have concerns about whether ground cover can be established and whether appropriate weed control can occur under such a low design.
  - c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:
    - (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
      - i. A Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY was received on August 25, 2023.
        - ii. A revised Decommissioning and Site Reclamation Plan was received November 13, 2023 that includes a line item for decommissioning the associated DATA CENTER.
    - (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 revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25 November 13, 2023 indicates that it will comply with this requirement.
    - (c) Subparagraph 6.1.1 A.3. of the Ordinance requires that separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall

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be provided by an Illinois Licensed Professional Engineer and are subject to approval of the BOARD.

- i. The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25 November 13, 2023 includes cost estimates prepared by an Illinois Licensed Professional Engineer.
- (d) Subparagraph 6.1.1 A.4.d. of the Ordinance requires the Decommissioning and Site Reclamation Plan to provide for provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
    - i. The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25 November 13, 2023 indicates the petitioner will provide a Letter of Credit.
  - (e) Subparagraph 6.1.1 A.5. of the Ordinance requires submission of an irrevocable letter of credit in the amount of 150% of the cost estimate required by 6.1.1 A.3 prior to issuance of a Zoning Use Permit.
    - i. No specifics were required or submitted regarding the Letter of Credit.
  - (f) Subparagraph 6.1.1 A.6. of the Ordinance establishes a time period prior to the expiration of the irrevocable letter of credit during which the Zoning Administrator shall contact the landowner regarding the intent to renew the letter of credit and the landowner shall reply within a certain amount of time.
    - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
  - (g) Subparagraph 6.1.1 A.7. of the Ordinance establishes 5 factors to be considered in determining if a NON-ADAPTABLE structure (PV SOLAR FARM in this instance) is abandoned in place and 6.1.1 A.9. of the Ordinance establishes 7 conditions when the Zoning Administrator may draw upon the letter of credit and jointly these 12 circumstances comprise when the Zoning Administrator may draw upon the letter of credit.
    - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
  - (h) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- 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



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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 for the proposed PV SOLAR ARRAY received on ~~August 25~~November 13, 2023 appears to comply with this requirement.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
  - (a) The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on ~~August 25~~November 13, 2023 appears to comply with this requirement.
- d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance. Regarding compliance with this subparagraph:
  - (a) The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on ~~August 25~~November 13, 2023 appears to comply with this requirement.
- e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
  - (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.
- f. Subparagraph 6.1.5 Q.(6) of the Ordinance states that the Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
  - (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.
- g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.

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- (a) A special condition has been added to ensure compliance.
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- a. The petitioner did not provide any information on this with their application.
  - b. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.
- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
    - (a) A Project Description was received on August 22, 2023.
  - b. Subparagraph 6.1.5 U.(1)b. requires the name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) for the PV SOLAR FARM County Board SPECIAL USE permit.
    - (a) The application received July 25, 2023, demonstrates compliance with this requirement.
  - c. Subparagraph 6.1.5 U.(1)c. requires a site plan for the SOLAR FARM which includes the following:
    - (a) The approximate planned location of all PV SOLAR FARM STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, switching station, electrical cabling from the PV SOLAR FARM to the Substations(s), ancillary equipment, screening and fencing, third party transmission lines, meteorological station, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.
      - i. The revised Site Plan received ~~August 30~~ November 13, 2023, demonstrates compliance with this requirement.

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- (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 ~~August 30~~November 13, 2023 appears to conform to this requirement.
- (c) The location of all below-ground wiring.
  - i. The revised Site Plan received ~~August 30~~November 13, 2023 appears to conform to this requirement.
- (d) The location, height, and appearance of all above-ground wiring and wiring structures.
  - i. The revised Site Plan received ~~August 30~~November 13, 2023 appears to conform to this requirement.
- (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM County Board SPECIAL USE Permit. PV SOLAR FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.
  - i. The revised Site Plan received ~~August 30~~November 13, 2023 appears to conform to this requirement.
- d. Subparagraph 6.1.5 U.(1)d. requires submittal of all other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
  - (a) Compliance with this subparagraph has been shown in previous sections of this Summary of Evidence.
- e. Subparagraph 6.1.5 U.(1)e. requires that the PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM as required by Section 6.1.5 B.(2)a.(b).
  - (a) Village President John Garth acknowledged receipt of the SPECIAL USE permit application on August 25, 2023.
- 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

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SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board as required by Section 6.1.5 B.(2)a.(c).

- (a) No resolution from the Village of Bondville has been received as of September 6, 2023. The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.
  - (b) Notice of the September 14, 2023, ZBA public hearing was sent by P&Z Staff to the Village of Bondville on August 21, 2023.
  - g. Subparagraph 6.1.5 U.(1)g. requires that documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM as required by Section 6.1.5 B.(3)b.
    - (a) A signed interconnection agreement was received on August 25, 2023.
  - h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.
    - (a) The applicant has notified P&Z Staff of any changes.
  - i. Subparagraph 6.1.5 U.(2) requires that the Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction. A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
  - (2) Regarding the SWMEC requirement to protect agricultural field tile, see the review of compliance with paragraph 6.1.5 F. that contains standard conditions to mitigate damage to farmland.
- D. Regarding the Special Flood Hazard Areas Ordinance, most of the subject property is located within a Special Flood Hazard Area.

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- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Bondville subdivision jurisdiction and appears to be in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning districts:
  - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-2 Agriculture districts because it is only authorized in the AG-1 and AG-2 Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. A PV SOLAR FARM may be authorized by the County Board in the AG-1 or AG-2 Agriculture Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
    - (1) A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to the following findings:
      - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
      - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - B. See Section 12 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-2 district as follows (capitalized words are defined in the Ordinance):

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

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determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

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

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

- (4) Paragraph 2.0(b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. Regarding the value of nearby properties, it is not clear whether or not the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
  - b. Regarding the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.
    - (a) If the petitioner is denied the special use permit, the property can still be used for agricultural production.
  - c. Section 6.1.5 Q. of the PV SOLAR FARM text amendment approved on August 23, 2018, includes a standard condition requiring a Decommissioning and Site Reclamation Plan that is intended to ensure there is adequate financial assurance for removal of a PV SOLAR FARM at the end of its useful life. Ensuring adequate site reclamation is one method of protecting surrounding property values.

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

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

- (6) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- a. The requested Special Use Permit location is in the mapped floodplain.
  - b. The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.

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- c. The revised Decommissioning and Site Reclamation Plan received ~~August 25~~November 13, 2023, states: “Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment.”
- (7) Paragraph 2.0(e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- c. Citing that the proposed map amendment and development would be “injurious to the citizens of the Village,” the Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.
- d. A summary of public comments received during these cases can be found under Item 8.K. of this Summary of Evidence.
- (8) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
- These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.
- (9) Paragraph 2.0(i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0(j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0(k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform;

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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.

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

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

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

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

There are no known natural features on the subject property.

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

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

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

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

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



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

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

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

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

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

A. Regarding Part A of the proposed waivers, for locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:

- (1) The Village of Bondville was notified of the proposed Special Use Permit on August 21, 2023. ~~and no comments have been received. The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.~~

~~B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board:~~

- ~~(1) The petitioner continues to work on a Landscape Plan and weed control plan that is customized to the subject property.~~

~~C. Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board:~~

- ~~(1) The petitioner is aware of this requirement and needs more time to have the noise study done.~~

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

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

A. Without Part A of the proposed waivers, for locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality: the project could not be constructed on the subject property.

~~B. Without Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board: the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.~~

~~C. Without Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board: the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.~~

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

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. Regarding Part A of the proposed waivers, for locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:
- (1) The petitioner was aware of this requirement but decided to request the waiver so that the project could proceed.
- ~~B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board:~~
- ~~(1) The petitioner continues to work on the Landscape Plan and weed control plan and will provide it as soon as possible.~~
- ~~C. Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board:~~
- ~~(1) The petitioner is aware of this requirement and needs more time to have the noise study done.~~

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

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

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

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:

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- A. The Village of Bondville has been notified of this case. The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY, and has not provided comments as of September 6, 2023.
- B. The Scott Township Highway Commissioner and IDOT have been notified of this case, and no comments have been received.
- C. The Bondville Fire Protection District has been notified of this case, and no comments have been received.
- D. The Drainage District for the subject property has been notified of this case, and ~~no~~ comments have been received the petitioner provided a 1985 map of drainage tiles in the Fountain Head Drainage District. No other comments have been received.
- E. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

17. Regarding proposed special conditions of approval:

- A. **The approved site plan consists of the following documents:**
  - **Site Plan sheets received ~~August 30~~ November 13, 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**

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with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.

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

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

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

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

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

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

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

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

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

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

- 1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
- 2. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
- 3. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency**

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**within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**

4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- K. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the PV SOLAR ARRAY, the owner of the PV SOLAR ARRAY will establish vegetative screening per Section 6.1.5 M.(2) of the Zoning Ordinance.**

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

**To ensure that a screen is planted in the event that anticipated future residential development does occur on adjacent land.**

**DOCUMENTS OF RECORD**

1. Applications for Map Amendment, Special Use Permits and Variance received July 25, 2023
2. Preliminary Memorandum dated September 6, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan with Erosion Control Plan received August 30, 2023 (2 sheets)
  - C 2020 aerial with floodplain and 1-foot contours prepared by P&Z Staff on August 24, 2023
  - D Letter from landowner Andrew Hatch received August 18, 2023
  - E Project Narrative received August 22, 2023
  - F EcoCAT results from IDNR received August 22, 2023
  - G IDNR Historic Preservation Office letter received August 22, 2023
  - H Decommissioning and Site Reclamation Plan received August 25, 2023
  - I Security Plan received August 25, 2023
  - J Erosion Control Plan text received August 29, 2023
  - K Haul Route received August 30, 2023
  - L Inverter specification sheets received August 22, 2023
  - M Solar module specification sheets received August 22, 2023
  - N Terrasmart solar module racking specification sheets received August 22, 2023
  - O LRMP Land Use Goals, Objectives, and Policies (available on ZBA meetings website)
  - P LRMP Appendix of Defined Terms (available on ZBA meetings website)
  - Q Right to Farm Resolution 3425
  - R Site Visit Photos taken July 31, 2023
  - S Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated September 14, 2023
  - T Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated September 14, 2023
  - U Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated September 14, 2023
3. Email from Beth Chepan received September 13, 2023 (distributed at 9/14 ZBA)
4. Email from Sean Arie received September 13, 2023 (distributed at 9/14 ZBA)
5. Email from Julie Arie received September 14, 2023 (distributed at 9/14 ZBA)
6. Noise Study by Shiner Acoustics received September 14, 2023 (distributed at 9/14 ZBA)
7. Resolution of Protest from the Village of Bondville received October 25, 2023
8. Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
9. Revised Site Plan received November 13, 2023
10. Plat of Survey received November 9, 2023



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11. Fountain Head Drainage District tile map from 1985 received November 9, 2023
12. Revised Decommissioning and Site Reclamation Plan received November 13, 2023
13. Supplemental Memorandum #1 dated November 22, 2023, with attachments:
  - A Legal advertisement
  - B Resolution of Protest from the Village of Bondville received October 25, 2023
  - C Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
  - D Revised Site Plan received November 13, 2023
  - E Plat of Survey received November 9, 2023
  - F Fountain Head Drainage District tile map from 1985 received November 9, 2023
  - G Email from Don Wauthier of Berns, Clancy & Associates received November 20, 2023
  - H Revised Decommissioning and Site Reclamation Plan received November 13, 2023
  - I Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated November 30, 2023
  - J Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated November 30, 2023
  - K Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated November 30, 2023

## FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **111-S-23** held on **September 14, 2023, and November 30, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
  - a. *The State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State's energy coming from renewable sources by the year 2025.*
  - b. *The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.*
  
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
    - a. *Traffic volumes are not expected to increase significantly other than during construction of the project.*
    - b. *Notice was sent to IDOT and the Township Road Commissioner, and no comments have been received.*
  
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *The subject property is located approximately 1,475 feet from the Bondville Fire Station.*
  
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:
    - a. *The proposed PV SOLAR ARRAY will not be disruptive to surrounding agriculture.*
    - b. *The inverters are located approximately 1,350 feet from the closest residential property.*
  
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *Most of the subject property is located within a mapped floodplain.*
    - b. *A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts, per the Storm Water Management and Erosion Control Ordinance.*
  
  - e. Public safety will be *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *The subject property is located approximately 1,475 feet from the Bondville Fire Station.*
    - b. *Notice was sent to IDOT and the Township Road Commissioner, and no comments have been received.*

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- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - a. *A PV SOLAR ARRAY does not require parking.*
  - b. *There is no significant increase in traffic expected for the proposed development.*
- g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
  - a. *The site is reasonably well-suited in all respects and has no major defects.*
- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - a. *No additional public services are necessary for the proposed development.*
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*:
  - a. *No new public infrastructure is required for the proposed development.*

*Note the Board may include other relevant considerations as necessary or desirable in each case.*

*\*The Board may include additional justification if desired, but it is not required.*

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located, subject to approval of the requested waivers.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
- 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
  - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use **IS NOT** an existing nonconforming use.

6. Regarding necessary waivers of standard conditions:

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

A. Regarding Part A of the proposed waivers, for locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:

- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because: *the Village of Bondville has been notified of this case and ~~has not provided comments as of September 6, 2023.~~ on October 25, 2023, filed a Resolution of Protest against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.*
- (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: *the Village of Bondville was notified of the proposed Special Use Permit on August 21, 2023 and on October 25, 2023, filed a Resolution of Protest against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY. no comments have been received.*
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: *without the waiver, the project could not be constructed on the subject property.*
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: *the petitioner was aware of this requirement but decided to request the waiver so that the project could proceed.*
- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: *without the waiver, the project could not be constructed on the subject property.*

~~B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board:~~

- ~~(1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because: *the petitioner will still need to provide this document prior to receiving a Zoning Use Permit.*~~
- ~~(2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated~~

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land and structures elsewhere in the same district because: ~~*the petitioner continues to work on a Landscape Plan and weed control plan that is customized to the subject property.*~~

- (3) ~~Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: *the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.*~~
- (4) ~~The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: *the petitioner continues to work on the Landscape Plan and weed control plan and will provide it as soon as possible.*~~
- (5) ~~The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure.~~

C. ~~Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board:~~

- (1) ~~The waiver *{IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because: *the petitioner is aware of this requirement and needs more time to have the noise study done.*~~
- (2) ~~Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: *the petitioner is aware of this requirement and needs more time to have the noise study done.*~~
- (3) ~~Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: *the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.*~~
- (4) ~~The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: *the petitioner is aware of this requirement and needs more time to have the noise study done.*~~
- (5) ~~The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure.~~

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

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

- Site Plan sheets received ~~August 30~~ November 13, 2023.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**

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8. **Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

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

**H. The Applicant or Owner or Operator of the PV SOLAR ARRAY shall comply with the following specific requirements that apply even after the PV SOLAR ARRAY goes into commercial operation:**

1. **Maintain the pollinator plantings and required visual screening in perpetuity.**
2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**
3. **Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
4. **Maintain a current general liability policy as required by 6.1.5 O.**
5. **Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
6. **Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**



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

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

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

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

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

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

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

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

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

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

**K. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the PV SOLAR ARRAY, the owner of the PV SOLAR ARRAY will establish vegetative screening per Section 6.1.5 M.(2) of the Zoning Ordinance.**

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

**To ensure that a screen is planted in the event that anticipated future residential development does occur on adjacent land.**

## FINAL DETERMINATION

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

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

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

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

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

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

*{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}*

- A. The approved site plan consists of the following documents:
  - Site Plan sheets received ~~August 30~~ November 13, 2023.
- B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.
- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.
- D. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.

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

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

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

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

- 1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
- 2. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
- 3. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
- 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
- 5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
- 6. A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**

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7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**

- G.** **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.**

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

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- I. Within the boundary of the solar farm, the petitioner shall:**
- 1. Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;**
  - 2. Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and**
  - 3. No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**
- J. The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.**
- K. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the PV SOLAR ARRAY, the owner of the PV SOLAR ARRAY will establish vegetative screening per Section 6.1.5 M.(2) of the Zoning Ordinance.**

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