

## CASES 126-S-23 and 127-S-23

SUPPLEMENTAL MEMORANDUM #1

March 6, 2024

**Petitioner:** FFP IL Community Solar, LLC, a subsidiary of Forefront Power LLC; via agent Christian Schlesinger, and participating landowner Kathryn Bonacci

**Request:** Case 126-S-23

Authorize a Community PV Solar Farm with a total nameplate capacity of 4.5 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for locating the PV Solar Farm 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.(a).

~~Part B: A waiver for locating the PV Solar Farm 45 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet, per Section 6.1.5 D.(3)a.~~

Part ~~C~~B: A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

Other waivers may be necessary.

Case 127-S-23

Authorize a second Community PV Solar Farm with a total nameplate capacity of 2.5 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for locating the PV Solar Farm 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.(a).

Part B: A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

Other waivers may be necessary.

**Location:** Three tracts of land totaling 55.81 acres located in the Northeast Quarter of Section 27, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as farmland owned by Kathryn Bonacci in the southwest corner of the intersection of Windsor Road and IL 130 (High Cross Rd), Urbana.

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

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

**Site Area:** site 1: ~~29.5422.49~~ acres, site 2: 15.96 acres = ~~45.538.45~~ acres of a 55.81-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

On February 16, 2024, the petitioners submitted a noise study that indicates compliance with Illinois Pollution Control Board (IPCB) requirements (Attachment H).

On March 1, 2024, the petitioners submitted a variety of documents in response to comments received during and since the January 25<sup>th</sup> ZBA meeting.

- Memorandum with responses to public comments (Attachment F)
- Revised Site Plans (Attachments B and C)
- Revised Screening Plans (Attachments D and E)
- Revised Vegetation Establishment and Management Plans (Attachment G)

Attachments I and J are the revised Summary of Evidence, Finding of Fact and Final Determination for these cases.

## REVISED SITE PLAN HIGHLIGHTS

Item 5.B. of the revised Summary of Evidence dated March 14, 2024 states:

- B. The revised Site Plans received March 1, 2024 indicate the following changes:
- (1) Site 1 (east side) has been reduced from 4.5 MW to 3.5 MW and therefore has a smaller footprint that is farther south on the site. This removes the need for waiver Part B for Case 126-S-23.
  - (2) A security gate will be installed close to Windsor Road and gates will also be installed at each fenced area at the access road entry points.
  - (3) A solid fence will be installed along the south project area.

## REVISED SCREENING PLAN HIGHLIGHTS

Item 5.C. of the revised Summary of Evidence dated March 14, 2024 states:

- C. The revised Screening Plans received March 1, 2024 indicate the following changes:
- (1) Screening will be added along the entire east side of Site 1.
  - (2) Screening will be extended along the entire south side of Site 2.
  - (3) Screening on the south side will be in addition to the solid fence.

- (4) A special condition has been added to require screening on the west side of Site 2 should residential development occur within 1,000 feet to the west of the subject property.

## NOISE STUDY

While the noise study received on February 16, 2024 indicated IPCB compliance, P&Z Staff felt that noise still might be higher than desired for the Delcomyn residence and Urbana Parks Foundation land to the south. Staff requested that the petitioners consider either a solid fence surrounding the inverters or a solid fence instead of a chain length fence along the south edge of the solar farms.

The revised Site Plans received March 1, 2024 show a solid fence along both project areas. While the petitioners did not provide an updated noise study to account for the solid fence, it is believed that the fence will help attenuate some of the sound produced by the inverters.

## PUBLIC COMMENTS RECEIVED

Item 8.J. of the revised Summary of Evidence dated March 14, 2024 includes a summary of public comments received regarding the proposed projects.

The memorandum from the petitioners received March 1, 2024 (Attachment F) responds to comments received.

## PROPOSED SPECIAL CONDITIONS – NEW CONDITIONS N AND O

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

- **Site Plan received March 1, 2024.**
- **Screening Plans received March 1, 2024.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- F. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the City of Urbana and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

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

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

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

5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 126-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
9. **A copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources.**

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

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

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

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

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

- I. **The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:**
1. **Maintain the pollinator plantings in perpetuity.**
  2. **Cooperate with local Fire Protection District to develop the District's emergency response plan as required by 6.1.5 H.(2).**

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

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

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

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

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

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

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

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

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

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

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

**That drainage district tiles are protected.**

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

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

**N. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the west or south sides of the PV SOLAR FARM, the owner of the PV SOLAR FARM will establish vegetative screening on the west side 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.**

**O. Underground drainage tile shall be investigated and identified as follows:**

**1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**

**2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**

**3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**

**4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**

**5. Any tile found shall be protected from disturbance.**

**6. All mutual drain tiles shall be protected from construction disturbance and a 40-foot wide no construction area shall be centered on all mutual drain tiles.**

**7. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

**The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.**

## ATTACHMENTS

- A Legal advertisement
- B Revised Site Plan Site 1 received March 1, 2024
- C Revised Site Plan Site 2 received March 1, 2024
- D Revised Vegetative Screening Plan Site 1 received March 1, 2024
- E Revised Vegetative Screening Plan Site 2 received March 1, 2024
- F Memorandum from petitioners responding to public comments received March 1, 2024
- G Revised Vegetation Establishment and Management Plan for Site 1 (*Site 2 not included because it is essentially the same*)
- H Noise Study received February 16, 2024
- I Revised Case 126-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated March 14, 2024
- J Revised Case 127-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated March 14, 2024



**LEGAL PUBLICATION: WEDNESDAY, JANUARY 10, 2024**  
**CASES: 126-S-23 & 127-S-23**

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

CASES: 126-S-23 & 127-S-23

FFP IL Community Solar, LLC, a subsidiary of Forefront Power LLC, 100 Montgomery Street, Suite 725, San Francisco, CA, 94104, with Yumitake Furukawa (Deputy Chief Executive Officer, Chief Compliance Officer); Charlie Sohm (Chief Development Officer), Daniel Taylor (Chief Strategy Officer), Yohei Kishi (Chief Financial Officer) and Kristin Frooshani (Chief Legal Officer, Secretary); via agent Christian Schlesinger, and participating landowner Kathryn Bonacci, 3815 Countryside Lane, Sarasota, FL 34233, have filed petition for two Special Use Permits with Waivers under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, January 25, 2024, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

Case 126-S-23

Authorize a Community PV Solar Farm with a total nameplate capacity of 4.5 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for locating the PV Solar Farm 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.(a).

Part B: A waiver for locating the PV Solar Farm 22 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet, per Section 6.1.5 D.(3)a.

Part C: A waiver for a separation distance of 27 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

Part D: A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

Other waivers may be necessary.

Case 127-S-23

Authorize a second Community PV Solar Farm with a total nameplate capacity of 2.5 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for locating the PV Solar Farm 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.(a).

Part B: A waiver for a separation distance of 15 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).

Part C: A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

Other waivers may be necessary.

On the following subject property:

Three tracts of land totaling 55.81 acres located in the Northeast Quarter of Section 27, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as farmland owned by Kathryn Bonacci in the southwest corner of the intersection of Windsor Road and IL 130 (High Cross Rd), Urbana.

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, JANUARY 10, 2024**

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

Our News Gazette account number is 99225860.

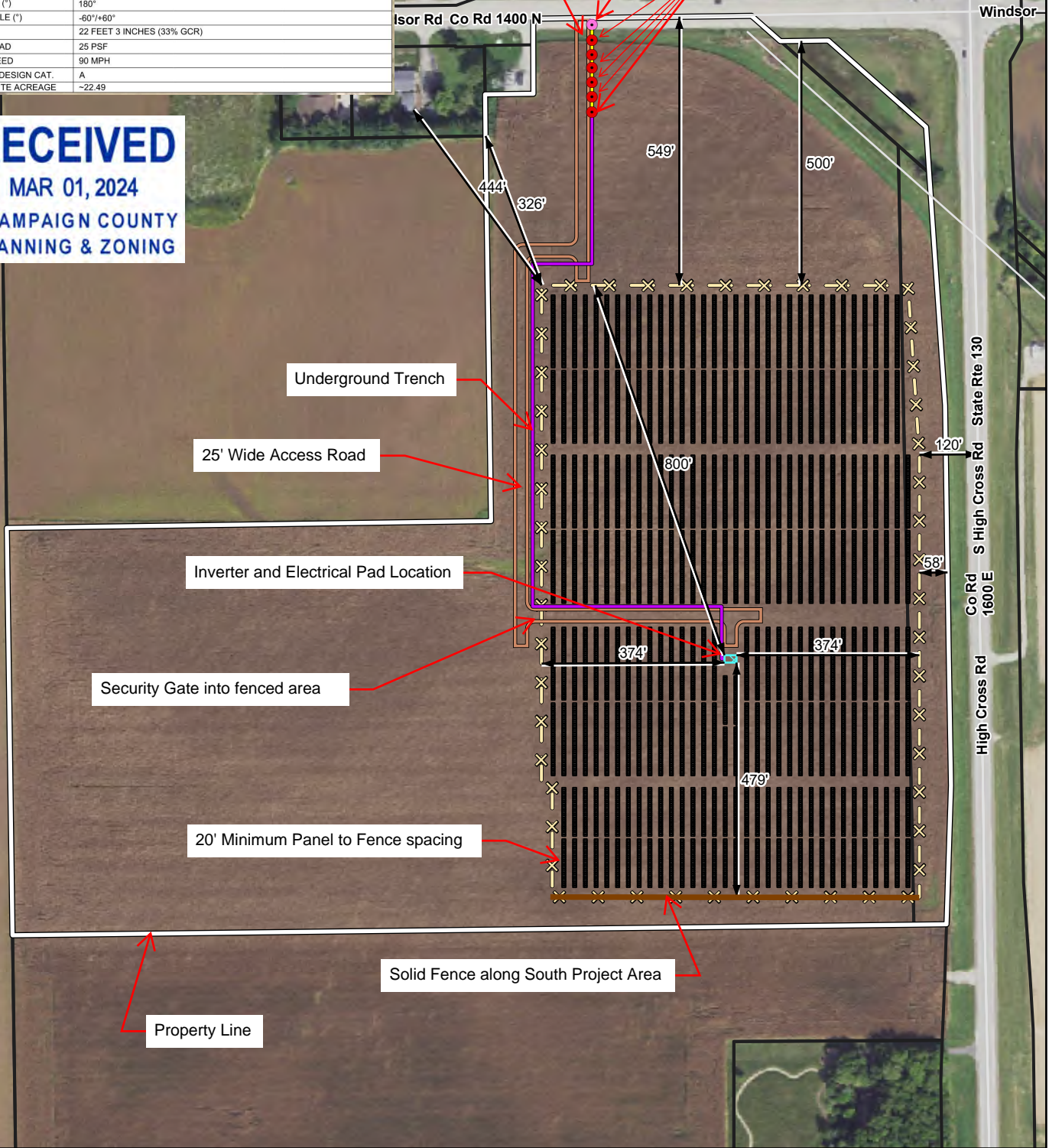
PV SYSTEM DESCRIPTION	
RACKING SYSTEM	SINGLE AXIS TRACKER SYSTEM
MODULE TYPE	LONGI LR5-72HBD-550M (550W) MODULES
MODULE QTY.	9,542
INVERTERS	(14) YASKAWA SOLECTRIA XGI 1500-250/250-600 (250kW) PV INVERTERS
TRANSFORMERS	(2) 2,000 kVA 600V: TBD KV DELTA, PAD MOUNTED, OIL FILLED (FR3)
SYSTEM SIZE (DC)	5,248.10 kW
SYSTEM SIZE (AC)	3,500.00 kWAC
LAT/LONG	40 080235°, -88.165976°
AZIMUTH (°)	180°
TILT ANGLE (°)	-60°/+60°
PITCH	22 FEET 3 INCHES (33% GCR)
SNOWLOAD	25 PSF
WINDSPEED	90 MPH
SEISMIC DESIGN CAT.	A
SOLAR SITE ACREAGE	~22.49

**RECEIVED**  
 MAR 01, 2024  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING

Security Gate to be installed on access road at entrance

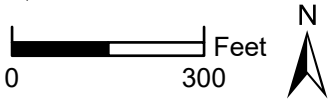
POCC Location at (E) Overhead Line

Riser Pole with Equipment



Map Document: N:\0045691\_03\_GIS\_ArcPro\R0045691\_03\_040\_SUPApplicationExhibits\_231205\R0045691\_03\_040\_SUPApplicationExhibits\_231205.aprx, 2/28/2024, 12:48 PM, Ahtalloy

Data Source(s): Westwood (2024); NAIP (2021), Champaign County (2018), U.S. Census Bureau (2022).



**Westwood**  
 Toll Free (888) 937-5150 westwoodps.com  
 Westwood Professional Services, Inc.

**Legend**

- Proposed Pole Location
- Proposed POCC
- Proposed Overhead Line
- Proposed Trench
- ▭ Project Boundary
- ▭ Parcel Boundary
- ▭ Array Solar Panels
- ⊗ Perimeter Fence
- ▭ Inverter Pad
- ▭ Site Access Gravel Road

**Bonacci Site 1 Solar Project**

Champaign County, Illinois

Site Plan

Exhibit 1



**FOREFRONT POWER**  
 2019 FOREFRONT POWER, LLC AND ITS AFFILIATES, ALL RIGHTS RESERVED  
 100 MONTGOMERY ST. #725  
 SAN FRANCISCO, CA 94104  
 (855) 204-5083  
 www.ForeFrontPower.com

STAMP:

NOT FOR CONSTRUCTION

AMEREN -  
 CHAMPAIGN BONACCI  
 COUNTY RD 1400N (SITE 2)

3RJUP+R53 URBANA,  
 ILLINOIS, 61802

PROJECT NUMBER  
 IL-23-0055

SHEET TITLE  
 LAYOUT

SHEET SIZE  
 ANSI B  
 11" X 17"

THIS DRAWING IS THE PROPERTY OF FOREFRONT POWER, LLC. THIS INFORMATION IS CONFIDENTIAL AND IS TO BE USED ONLY IN CONNECTION WITH WORK DESCRIBED BY FOREFRONT POWER, LLC. NO PART IS TO BE DISCLOSED TO OTHERS WITHOUT WRITTEN PERMISSION FROM FOREFRONT POWER, LLC.

NO.	REVISION	DATE	INIT.
1	PAD LOCATION	01.10.2024	CC

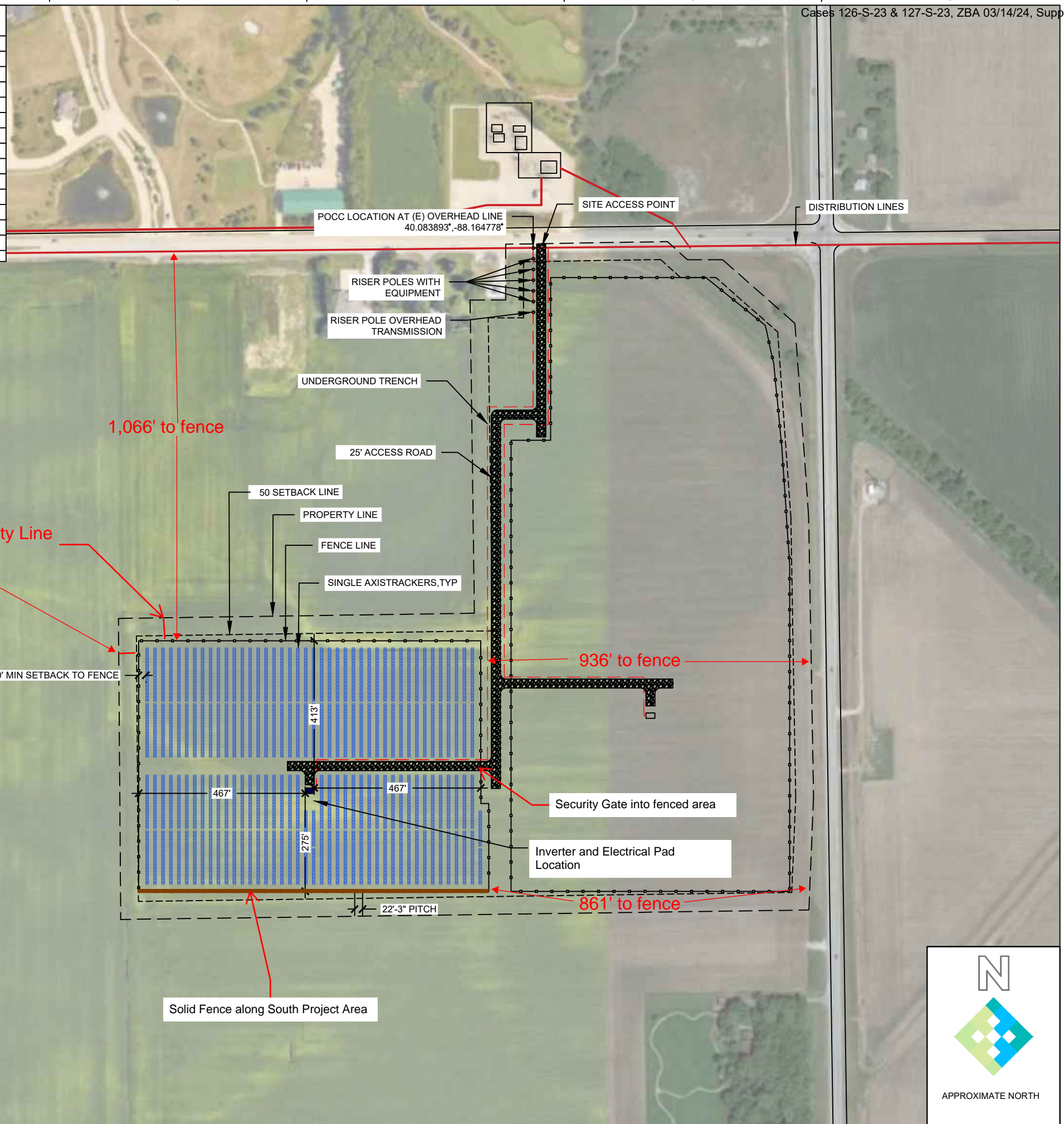
DATE: 05.31.23  
 DRAWN BY: NK  
 ENGINEER: XX  
 APPROVED BY: XXX

PROJECT PHASE:  
 PRELIMINARY

SCALE:  
 1"=300'

SHEET NO.:  
**Exhibit 2**

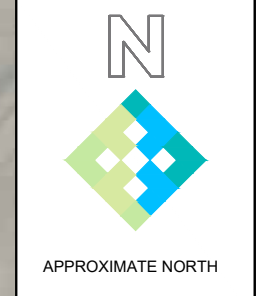
PV SYSTEM DESCRIPTION	
RACKING SYSTEM	SINGLE AXIS TRACKER SYSTEM
MODULE TYPE	LONGI LR5-72HBD-550M (550W) MODULES
MODULE QTY.	6,552
INVERTERS	(10) YASKAWA SOLECTRIA XGI 1500-250/250-600 (250kW) PV INVERTERS
TRANSFORMERS	(1) 2,500 kVA 600V: TBD KV DELTA, PAD MOUNTED, OIL FILLED (FR3)
SYSTEM SIZE (DC)	3603.60 kW
SYSTEM SIZE (AC)	2,500.00 kWAC
LAT/LONG	40.080235°, -88.165976°
AZIMUTH (°)	-90°/+90°
TILT ANGLE (°)	-60°/+60°
PITCH	22 FEET 3 INCHES (33% GCR)
SNOWLOAD	25 PSF
WINDSPEED	90 MPH
SEISMIC DESIGN CAT.	A
SOLAR SITE ACREAGE	~15.96



**RECEIVED**  
 MAR 01, 2024  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING

Printed: 05/31/2023

DESKTOP ANALYSIS OF THE ROOFS, BUILDING & STRUCTURE HEIGHTS, TREE HEIGHTS, AND THE TOPOGRAPHY WERE ASSUMED FOR THE DESIGN. FINAL SYSTEM SIZE AND LOCATION WILL VARY BASED ON FURTHER DILIGENCE.



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### Screening Planting Schedule

SYMBOL	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	SIZE	SPACING (O.C.)
	3B	431	TEICHOTA ARBORESCENS / YUKON OCCIDENTALIS 'TAL KOFF'	#5 CONT.	10' 0" O.C.	
	VA	442	LEATHROLEAT VIBURNUM / VIBURNUM BIRBYPTISPHYLLUM 'AUGUSTINE'	#5 CONT.	10' 0" O.C.	
	VP	441	METASTARK VITIFOLIUM / VIB. BIRBYPTISPHYLLUM 'MOHAWK'	#5 CONT.	10' 0" O.C.	
	RS	448	SUMMIT WINE® HIBISCUS / PHYSOCARPUS OULIFOLUS 'SEWARD'	#5 CONT.	10' 0" O.C.	

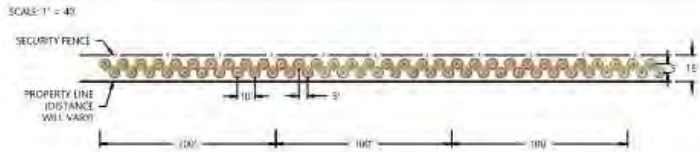
ABBREVIATIONS: BB# - BALLED AND BURLAPPED; CAL - CALIPER HT. - HEIGHT; MIN - MINIMUM; D.C. - DN CENTER; SP - SPREAD; QTY - QUANTITY; CONT - CONTAINER

NOTES:  
 1. QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.  
 2. SCREENING PLANT SCHEDULE INCLUDES SUGGESTED PLANTINGS HAVE BEEN SELECTED FROM APPROVED SPECIES LIST FROM THE LAKE COUNTY GOVERNMENT CENTER MASTER PLAN, APPENDIX A. OTHER SPECIES MAY BE SELECTED BASED UPON MARKET AVAILABILITY AND PRICING BUT THEY MUST BE FROM THE APPROVED SPECIES LIST.

### Vegetative Screening Selection and Intent

THE PROPOSED PLANS INCLUDE VEGETATIVE SCREENING WHICH UTILIZES NATIVE OR ADAPTED SHRUBS AT STRATEGIC LOCATIONS ACROSS THE PROJECT SITE TO LIMIT DIRECT VIEWS OF THE ARRAY. ONE BENEFIT TO USING NATIVE PLANTS IS THAT THEY ARE ACCUMATED TO THE PARTICULAR CLIMATE AND ENVIRONMENTAL CONDITIONS, THUS ALLOWING FOR A QUICKER ESTABLISHMENT AND INCREASED SURVIVAL RATES. THE PROPOSED VEGETATIVE SCREEN IS COMPOSED OF EVERGREEN SHRUBS THAT CAN PROVIDE LUSH GREEN YEAR ROUND SCREENING AND DECIDUOUS SHRUBS THAT CAN HELP PROVIDE ADDITIONAL SCREENING AND BE VISUALLY APPEALING ACROSS MULTIPLE SEASONS. SOME OF THE CHARACTERISTICS THAT THESE NATIVE SHRUBS HAVE BEEN SELECTED FOR INCLUDE FOLIAGE AND STEM COLOR, FLOWERS AND FRUIT PRODUCTION. THE SHRUBS PROPOSED TO BE PLANTED IN SMALL MASSES SO THAT AT ANY ONE TIME IN THE YEAR ONE SPECIES MIGHT DISPLAY SOME OF THESE AESTHETIC CHARACTERISTICS. BEYOND THE AESTHETIC VALUE, THE PROPOSED PLANTS CAN PROVIDE ADDITIONAL WILDLIFE BENEFITS THAT INCLUDE A SOURCE FOR POLLINATORS, SHELTER, FEEDING AND WINTER HABITAT AS THE PLANTS MATURE THEY WILL GROW CLOSER TOGETHER CREATING A TYPE OF NATURAL HEDGE.

### Planting Detail



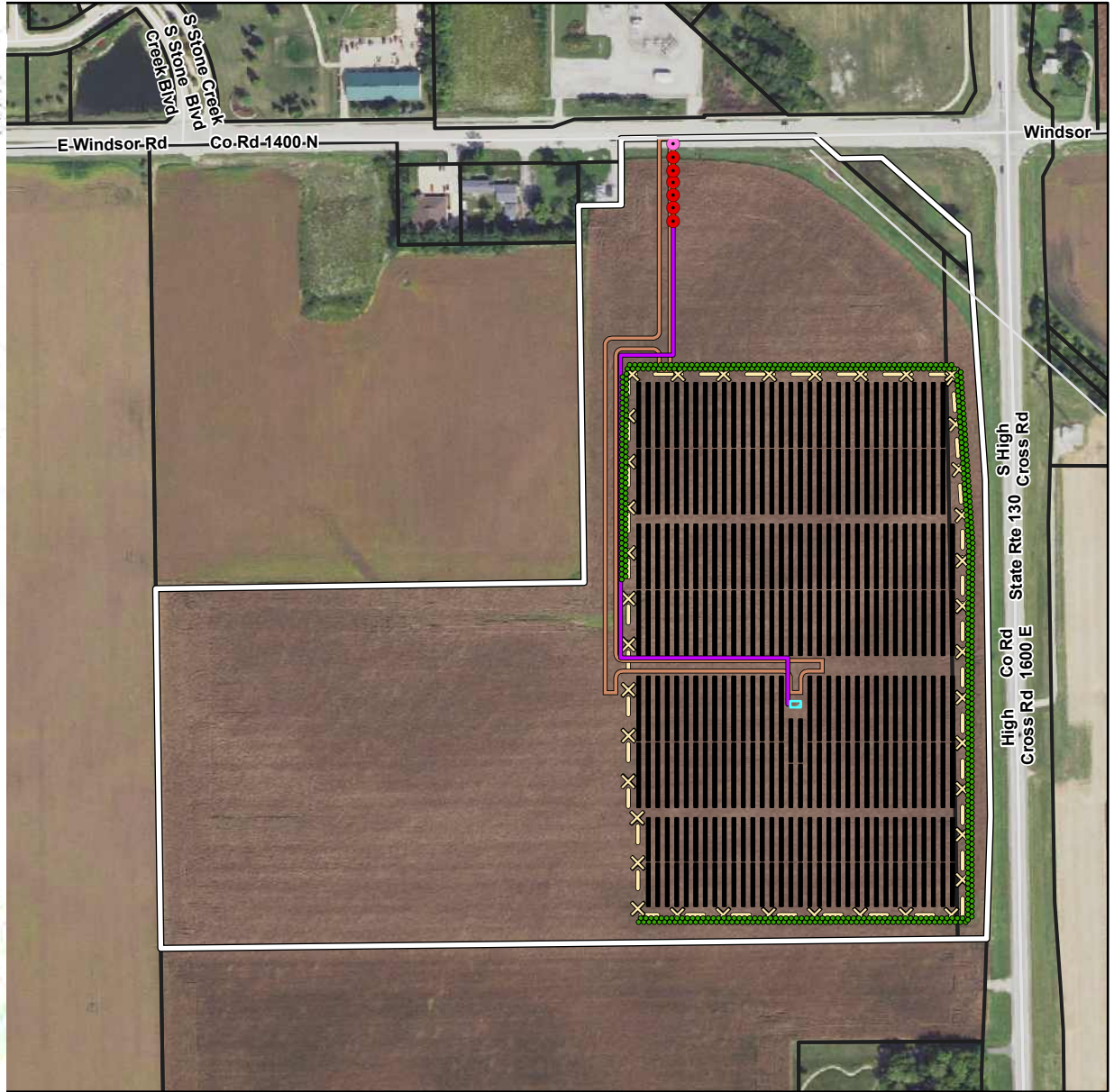
### Site Legend

- PROJECT BOUNDARY
- LOT LINES
- EASEMENT LINES
- EX. 5' INDEX CONTOUR
- EX. 1' INTERVAL CONTOUR
- EX. POWER OVERHEAD
- PROPOSED SOLAR ARRAY
- PROPOSED ACCESS ROAD
- PROPOSED SECURITY FENCE
- PROPOSED ELECTRICAL EQUIPMENT
- UNDERGROUND COLLECTION
- LANDSCAPE BUFFER SCREENING

### Seeding Legend

- ARRAY SEED MIX  
TOTAL AREA (2E-13 AC)
  - PERIMETER SEED MIX  
TOTAL AREA (2.63 AC)
- NOTE: SEE VEGETATION MANAGEMENT PLAN FOR EXACT SEED MIXES

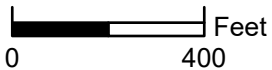
### Vegetative Screening Plant Materials



Data Source(s): Westwood (2024); NAIP (2021), Champaign County (2018), U.S. Census Bureau (2022).

### Legend

- Project Boundary
- Parcel Boundary
- Array Solar Panels
- Inverter Pad
- Site Access Gravel Road
- Proposed Overhead Line
- Proposed Trench
- Proposed Pole Location
- Proposed POCC
- Proposed Vegetative Screening



**Westwood**

Toll Free (888) 937-5150 westwoodps.com  
Westwood Professional Services, Inc.

# Bonacci Site 1 Solar Project

Champaign County, Texas

**RECEIVED**  
 MAR 01, 2024  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING



## Screening Plan

EXHIBIT 6

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### Screening Planting Schedule

SYMBOL	CODE	CITY	COMMON / BOTANICAL NAME	SIZE	SIZE	SPACING D.C.
	1B	437	TEICHOTA ARBORESCENS / TEICHOTA OCCIDENTALIS BALLJOHN	#5 CONT	10' 0" D.C.	10' 0" D.C.
	1A	442	LEATHALEAF VIBURNUM / VIBURNUM LACINIOSUM ALLEGHANSE	#5 CONT	10' 0" D.C.	10' 0" D.C.
	1V	444	MOHAWK VIBURNUM / VIBURNUM 4-BURROWSII MOHAWK	#5 CONT	10' 0" D.C.	10' 0" D.C.
	1S	445	SUMMER WINE HIBISCUS / HIBISCUS SYRIACUS SEWARD	#5 CONT	10' 0" D.C.	10' 0" D.C.

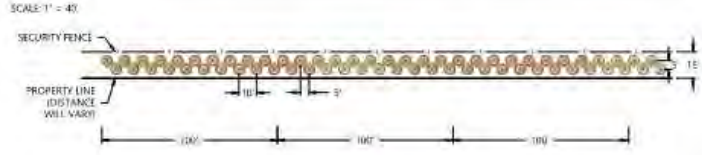
ABBREVIATIONS: BBB - BALLED AND BURLAPPED CAL - CALIPER HT - HEIGHT MIN - MINIMUM D.C. - ON CENTER SP - SPREAD QTY - QUANTITY CONT - CONTAINER

NOTES:  
 1. QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY  
 2. SCREENING PLANT SCHEDULE INCLUDES SUGGESTED PLANTINGS HAVE BEEN SELECTED FROM APPROVED SPECIES LIST FROM THE LAKE COUNTY GOVERNMENT CENTER MASTER PLAN, APPENDIX A. OTHER SPECIES MAY BE SELECTED BASED UPON MARKET AVAILABILITY AND PRICING BUT THEY MUST BE FROM THE APPROVED SPECIES LIST

### Vegetative Screening Selection and Intent

THE PROPOSED PLANS INCLUDE VEGETATIVE SCREENING WHICH UTILIZES NATIVE OR ADAPTED SHRUBS AT STRATEGIC LOCATIONS ACROSS THE PROJECT SITE TO HIDE DIRECT VIEWS OF THE ARRAY. ONE BENEFIT TO USING NATIVE PLANTS IS THAT THEY ARE ACCLIMATED TO THE PARTICULAR CLIMATE AND ENVIRONMENTAL CONDITIONS, THUS ALLOWING FOR A QUICKER ESTABLISHMENT AND INCREASED SURVIVAL RATES. THE PROPOSED VEGETATIVE SCREENING IS COMPOSED OF EVERGREEN SHRUBS THAT CAN PROVIDE LUSH GREEN YEAR ROUND SCREENING AND DECIDUOUS SHRUBS THAT CAN HELP PROVIDE ADDITIONAL SCREENING AND BE VISUALLY APPEALING ACROSS MULTIPLE SEASONS. SOME OF THE CHARACTERISTICS THAT THESE NATIVE SHRUBS HAVE BEEN SELECTED FOR INCLUDE FOLIAGE AND STEM COLOR, FLOWERS AND FRUIT PRODUCTION. THE SHRUBS PROPOSED TO BE PLANTED IN SMALL MASSES SO THAT AT ANY ONE TIME IN THE YEAR ONE SPECIES MIGHT DISPLAY SOME OF THESE AESTHETIC CHARACTERISTICS. BEYOND THE AESTHETIC VALUE, THE PROPOSED PLANTS CAN PROVIDE ADDITIONAL WILDLIFE BENEFITS THAT INCLUDE A SOURCE FOR POLLINATORS, SHELTER, FORAGE AND WINTER HABITAT AS THE PLANTS MATURE THEY WILL GROW CLOSER TOGETHER CREATING A TYPE OF NATURAL HEDGE.

### Planting Detail



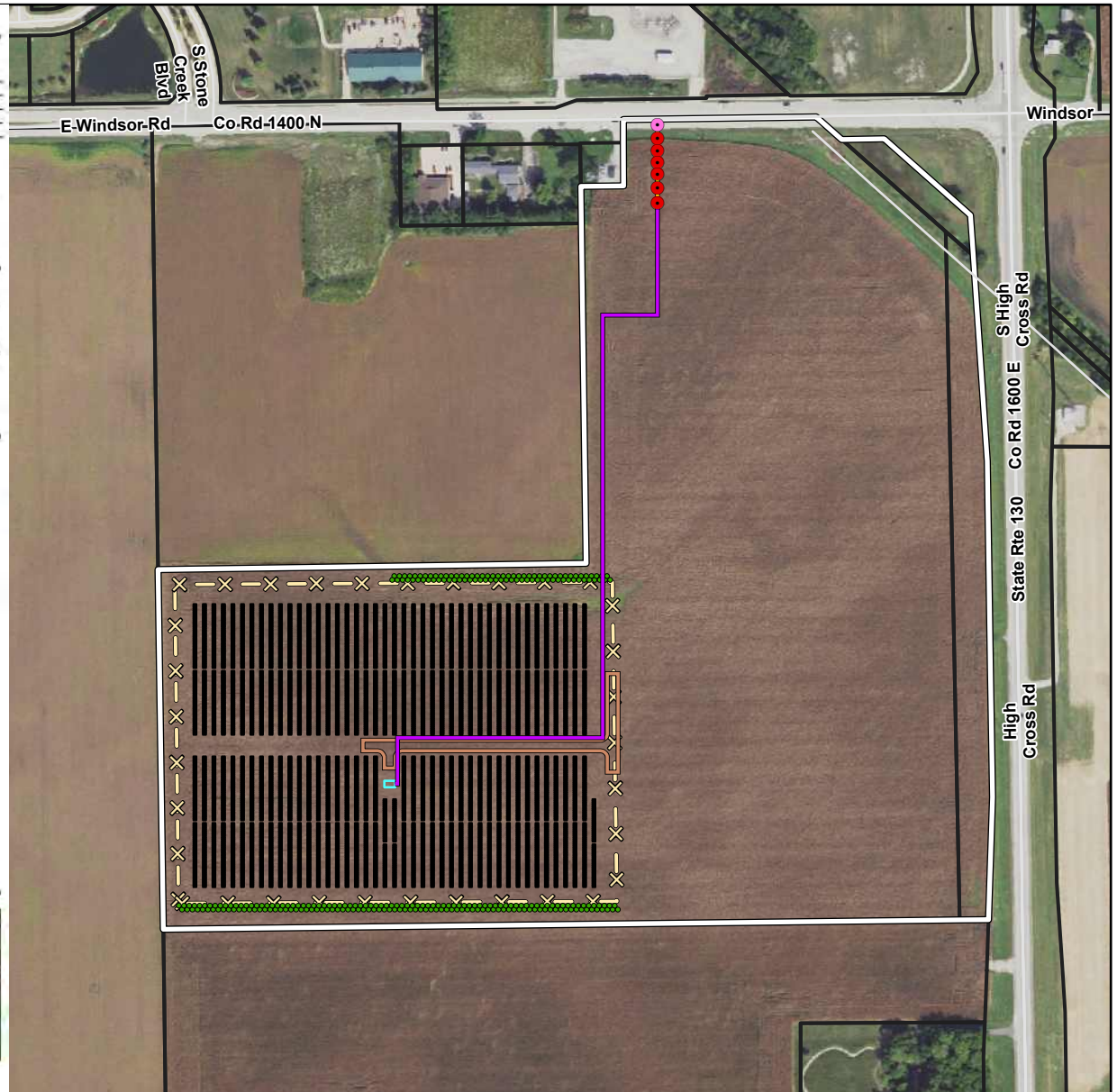
### Site Legend

- PROJECT BOUNDARY
- LOT LINES
- EASEMENT LINES
- EX. 5' INDEX CONTOUR
- EX. 1' INTERVAL CONTOUR
- EX. POWER OVERHEAD
- PROPOSED SOLAR ARRAY
- PROPOSED ACCESS ROAD
- PROPOSED SECURITY FENCE
- PROPOSED ELECTRICAL EQUIPMENT
- UNDERGROUND COLLECTION
- LANDSCAPE BUFFER SCREENING

### Seeding Legend

- ARRAY SEED MIX  
TOTAL AREA (2.3 AC)
  - PERIMETER SEED MIX  
TOTAL AREA (2.65 AC)
- NOTE: SEE VEGETATION MANAGEMENT PLAN FOR EXACT SEED MIXES

### Vegetative Screening Plant Materials



Data Source(s): Westwood (2024); NAIP (2021), Champaign County (2018), U.S. Census Bureau (2022).



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### Legend

- Project Boundary
- Proposed Trench
- Site Access Gravel Road
- Array Solar Panels
- Perimeter Fence
- Inverter Pad
- Proposed Pole Location
- Proposed POCC
- Proposed Vegetative Screening

# Bonacci Site 2 Solar Project

Champaign County, Illinois

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## Screening Plan

EXHIBIT 6

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**RECEIVED**  
MAR 01, 2024  
CHAMPAIGN COUNTY  
PLANNING & ZONING

MEMORANDUM

Date: March 1, 2024

Re: **Bonacci Solar SUP Application-Public Hearing Response to Comments**

Westwood File R0045891.03

To: Susan Burgstrom, Senior Planner, Champaign County Planning and Zoning

Cc: Christian Schlesinger, Forefront Power

From: Matthew Vollbrecht, Wetlands Manager/Environmental Lead

With this Memo, the applicant would like to include additional information for the Bonacci Site 1 and Site 2 solar projects SUP applications. This information is to address comments received via e-mail and during the January 25, 2023, Champaign County ZBA public hearing. A number of comments/concerns about the project were expressed by ZBA members, surrounding neighbors and the Urbana Parks District, which owns the parcel of land immediately south of the Bonacci parcel.

The comments can be generally summarized into the following categories: Drain tile Study, Noise Level Concerns, Visual Concerns, Effects on Natural Resources, Effects on flooding/groundwater, Effects on Property Values, Number of Waivers Required and Effects to Park Development to the south of the parcel.

In response to the comments below, the site plan for Site 1 has also been revised and the total output of Site 1 has been reduced to 3.5 MW from 4.5 MW. This has allowed the layout to shift south away from the Vet Clinic and the homes located north of East Windsor Road. In addition, a solid fence has been added to the south project boundaries of both Site 1 and Site 2 to address the noise and visual screening concerns of the Park District. These revised layouts are included as **Exhibits 1 and 2** in this memo.

The Applicant has reviewed the comments received at the Public Hearing and has addressed them as follows:

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**Drain Tile Study:**

The desktop drain tile study has been sent over to County staff and the applicant has reached out to Huddleston McBride Drainage and has received a quote to complete an onsite drain tile location. This is expected to be completed after the SUP process has been completed and before final construction documents are completed.

**Noise Concerns:**

To avoid any potential noise concerns for the project, the inverters, which are the primary source of noise in a solar array have been located in the central portions of both projects. The 18 inverters for Site 1 are located 1,222 feet from the northern fence line (1,272 feet from the northern property line), 378 feet from the eastern and western fence lines (428 feet to east and west property lines) and 458 feet from the southern fence line (508 feet to south property line). The 10 inverters for Site 2 are located 413 feet from the north fence line (463 feet to north property line), 467 feet from the east and west fence line (517 feet to east and west property lines) and 275 feet from the southern fence line (325 feet to south property line). In addition, the inverters only run when the site is producing electricity, therefore the inverters will make no noise during the nighttime period.

At the public hearing, the question was asked about the cumulative effect of the 18 combined inverters on Site 1 and the cumulative noise effect of the 10 combined inverters on Site 2. Westwood has consulted with their in-house noise team and the combined noise levels of the inverters on both Site 1 and Site 2 have been calculated. The combined noise level of the 18 inverters on Site 1 will raise the noise level 12.6 dBA at one meter from 84.5 dBA to 97.1 dBA. The combined noise level of the 10 inverters on Site 2 will raise the noise level 10.0 dBA at one meter from 84.5 dBA to 94.5 dBA. **Table 1** below contains the increase in noise level summaries:

Table 1 Project Equipment Spectral & Overall Data

Noise Source	Unweighted Octave Band (Hz) Sound Power Levels (dB L <sub>w</sub> )									Broadband Sound Power Level
	31.5	63	125	250	500	1000	2000	4000	8000	
Solar Inverter (Single Unit)	73.5	78.3	87.0	84.4	81.0	77.3	75.2	77.4	69.5	84.5 dBA
Bonacci 1 Cumulative Solar Inverter Source (18 Units)	86.0	90.8	99.5	96.9	93.5	89.8	87.7	89.9	82.0	97.1 dBA
Bonacci 2 Cumulative Solar Inverter Source (10 Units)	83.5	88.3	97.0	94.4	91.0	87.3	85.2	87.4	79.5	94.5 dBA

Westwood has completed a Predictive Noise Study for the proposed project and this study is included in **Appendix A**. This noise study reviewed the proposed equipment



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and based on the modeling determined that the noise levels at the nearby receptors will not be above the background ambient noise levels. The study concluded “Project levels do not exceed the limits set forth in the Illinois Administrative Code. Minimal noise impacts are expected from Project operation, including from overhead wiring/riser poles. The highest broadband noise level expected at a receptor due to Project operation is expected to be imperceptible compared to existing ambient levels, assuming typical quiet rural ambient noise levels”.

After the completion of the Noise Study, the site plan for Site 1 was revised and the proposed output was dropped by 1 MW. This results in the number of inverters for Site 1 being dropped from 18 to 14. Although a revised Noise Study has not been completed, the noise levels from Site 1 will drop from the 97.1 dBA from the 18 inverters to around 96 dBA for the 14 inverters. Additionally, the site plans have been revised to include a solid fence along the southern boundary of both Sites 1 and 2. This fence will entirely screen the project from the park land and provide an additional noise barrier

### **Visual Concerns:**

Several comments about visual effects of the project were made during the public hearing. In response to these comments, the applicant has revised the proposed screening plans to extend the vegetative screening to include the entire northern perimeter along County Road 1400 N, the entire eastern perimeter along County Road 1600 E and along the entire southern perimeter along the complete length of the parcel adjacent to the Urbana Park District parcel. The revised screening plans are included in **Appendix B**. In addition, at the request of County Staff, the proposed American elderberry has been replaced with a more evergreen species (*Technito arborvitae*) in the plan. This will provide more year-round screening than the elderberry.

### **Effects on Natural Resources:**

Comments about the development of solar onsite having impacts on natural resources were also expressed at the public hearing. Currently the site is used for rotational row crop production of corn and soybeans. This cropping cycle resulting in the site being planted in corn generally every other year. Soybeans are then planted in the alternating years. This cropping cycle results in the site being plowed and prepared every spring. The site is then planted and sprayed for weeds and insect control as needed during crop growth. The crop is then harvested in the fall and then either crop stubble being left on a fallow field in the fall or tilled and plowed in the fall in preparation of seeding the following spring. The result of this cropping program is a temporary, uniform stand of either corn or beans on the site. While these crops do provide some short-term temporary habitat and food source for limited numbers of

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species such as white-tailed deer, Canada geese and blackbirds, it does not offer much in any sort of “natural” cover.

The proposed solar development will consist of panels with native seed mixes planted under them. This seed mix will be allowed to grow and will provide year-round short cover that can be utilized by a wide variety of wildlife. This seed mix has been formulated to provide a low growing habitat that will minimize the need to mow and provide a perennial cover for the areas under the panels and reduce the potential for weedy species under the panels. This native mesic prairie seed mix (Solar Array Mix) is composed primarily of low growing grass and sedge species to provide permanent low maintenance and low stature vegetation that can thrive a variety of soil and environmental conditions. This mix is designed to cover most of the Project Area where solar arrays will be installed and provides deep-rooted species to aid in soil stabilization. This mix is specially designed to remain at a lower height (12 to 30 inches) so as to not interfere with the operation of the solar equipment and reduces the maintenance needed underneath the array. The proposed seed mix for the areas under the panels is included in **Table 2** below:

**Table 2: Bonacci Solar Array Seed Mix**

Scientific Name	Common Name	% of Mix	PLS
<i>Bouteloua curtipendula</i>	Side-oats Grama	50.00	5.00
<i>Bouteloua gracilis</i>	Blue Grama	7.00	0.70
<i>Bromus kalmii</i>	Prairie Brome	20.00	2.00
<i>Koeleria macrentha</i>	Junegrass	2.00	0.20
<i>Festuca subverticillata</i>	Nodding Fescue	2.00	0.20
<i>Sporobolus heterolepis</i>	Prairie Dropseed	10.00	1.00
	<b>Total Grasses</b>	<b>91.00</b>	<b>9.10</b>
<i>Carex bicknellii</i>	Bicknell's Sedge	2.00	0.20
<i>Carex sprengelii</i>	Long-Beaked Sedge	2.00	0.20
	<b>Total Sedges</b>	<b>4.00</b>	<b>0.40</b>
<i>Chamaecrista fasciculata</i>	Partridge Pea	1.00	0.10
<i>Dalea purpurea</i>	Purple Prairie Clover	2.00	0.20
<i>Rudbeckia hirta</i>	Black-eyed Susan	2.00	0.20
	<b>Total Forbes</b>	<b>5.00</b>	<b>.50</b>
	<b>MIX TOTAL</b>	<b>100</b>	<b>10.00</b>

In addition, the areas around the perimeter of the site will be planted in a “pollinator friendly” native seed mix that will include a number of species of native grasses and forbs that will be allowed to establish and provide a more diverse native vegetation community and provide more habitat than the existing row crops. The establishment of these native grass and shrub areas will provide nesting habitat for ground nesting bird species that row crop corn and bean crops do not provide. This native mesic prairie seed mix (Pollinator Mix) contains a wide variety of grasses, sedges, and forbs.

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The mix is intended to promote pollinator species diversity, with flowering species over each of the three blooming periods (spring, summer, and fall), along with native bunch grasses and sedges that provide habitat to pollinators and other wildlife. This seed mix is composed of species of low to medium stature (12 to 48 inches) that can thrive in a wide variety of soil and environmental conditions. The Pollinator Mix is intended for perimeter and buffer area outside a 10-foot buffer from the PV panel arrays select access roads, and corridors between main arrays. The proposed pollinator seed mix is included in **Table 3** below:

**Table 3: Pollinator Mix**

<i>Scientific Name</i>	<i>Common Name</i>	<i>% of Mix</i>	<i>PLS</i>
<i>Bouteloua curtipendula</i>	Side-oats Grama	20.00	2.00
<i>Bromus kalmii</i>	Prairie Brome	8.00	0.80
<i>Elymus canadensis</i>	Canada wild rye	7.00	0.70
<i>Elymus virginicus</i>	Virginia Wild Rye	10.00	1.00
<i>Schizachyrium scoparium</i>	Little Bluestem	20.00	2.00
<i>Sporobolus compositus</i>	Rough Dropseed	2.00	0.20
<i>Sporobolus heterolepis</i>	Prairie Dropseed	1.00	0.10
	Total Grasses	68.00	6.80
<i>Carex bicknellii</i>	Bicknell's Sedge	1.00	0.10
<i>Carex molesta</i>	Field Oval Sedge	1.00	0.10
	Total Sedges	2.00	0.20
<i>Achillea millefolium</i>	Yarrow	0.50	0.05
<i>Allium cernuum</i>	Nodding Onion	0.25	0.30
<i>Anemone canadensis</i>	Canada Anemone	0.20	0.20
<i>Asclepias syriaca</i>	Common Milkweed	1.50	0.15
<i>Asclepias tuberosa</i>	Butterfly Milkweed	0.75	0.08
<i>Chamaecrista fasciculata</i>	Partridge Pea	5.00	0.50
<i>Dalea candida</i>	White Prairie Clover	2.50	0.25
<i>Dalea purpurea</i>	Purple Prairie Clover	5.00	0.50
<i>Desmodium canadense</i>	Canada Tick Trefoil	3.00	0.30
<i>Echinacea pallida</i>	Pale Purple Coneflower	1.00	0.10
<i>Heliopsis helianthoides</i>	Common Ox-Eye	2.00	0.20
<i>Monarda fistulosa</i>	Wild Bergamot	0.50	0.05
<i>Penstemon digitalis</i>	Foxglove Beardtongue	0.25	0.03
<i>Ratibida pinnata</i>	Yellow Coneflower	0.30	0.03
<i>Rudbeckia hirta</i>	Black-eyed Susan	3.50	0.35
<i>Solidago rigida</i>	Stiff Goldenrod	0.25	0.03
<i>Symphyotrichum laeve</i>	Smooth Blue Aster	1.00	0.10
<i>Symphyotrichum oolentangiense</i>	Sky-blue Aster	1.00	0.10
<i>Tradescantia ohiensis</i>	Ohio Spiderwort	0.50	0.05
<i>Zizia aurea</i>	Golden Alexanders	1.00	0.10
	Total Forbs	30.00	3.00

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<i>Scientific Name</i>	<i>Common Name</i>	<i>% of Mix</i>	<i>PLS</i>
	MIX TOTAL	100.00	10.00

In addition to the 2 native seed mixes proposed above, the proposed screening vegetation will provide native shrubs that will provide additional habitat onsite and also provide nesting habitat for shrub nesting native birds.

These native planting also can have more benefits than just habitat. According to a number of sources including the Illinois DNR’s publication “Landscaping for Wildlife” (<https://www2.illinois.gov/dnr/publications/documents/00000227.pdf>) and ILM (<https://ilmenvironments.com/subservices/native-plant-installation/#:~:text=Increased%20rainfall%20and%20runoff%20infiltration,than%20f,lowing%20across%20the%20landscape>), native prairie plants can provide a variety of direct benefits to humans including improved soil health and treating runoff and protecting groundwater. For example, native prairie plants with especially deep root systems provide important benefits, including:

- Outstanding erosion control– Large, perennial prairie root systems create year-round soil “anchors.” They are especially effective in stabilizing shorelines and preventing loss of soil from farm fields.
- Increased rainfall and runoff infiltration– Healthy, diverse root communities improve soil structure, adding underground air spaces and absorbent organic matter. As a result, water more easily percolates into the soil rather than flowing across the landscape. This helps reduce flooding and keeps sediment out of waterways.
- Carbon sequestration– Mature, undisturbed prairies store more carbon below ground than forests can store above ground, helping to reduce global warming.
- Nutrient reduction– Actively growing prairie roots take up nitrogen and phosphorus that could otherwise pollute our waterways.

**Effects on flooding/groundwater:**

The project has been designed to reduce any potential effects on surface water and ground water. The site plan has been designed to reduce any grading that could potentially change surface water flow patterns in the area. There is no grading planned for the panel areas and the only on-site grading will be to install the access road as needed. This, along with the establishment of a native plant community onsite will be beneficial through increased rainfall and runoff infiltration. As stated above, healthy, diverse root communities improve soil structure, adding underground air spaces and absorbent organic matter. As a result, water more easily percolates into the soil rather than flowing across the landscape. This helps reduce flooding and keeps sediment in place onsite and out of waterways.

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In addition to the benefits of the vegetation onsite, prior to construction a Storm Water Pollution Prevention Plan (SWPPP) will be completed for the site and a construction stormwater permit will be obtained from the Illinois Environmental Protection Agency. The SWPPP will be the plan to prevent any untreated stormwater discharges from leaving the site and will protect nearby surface and ground water. The SWPPP is required to contain the following:

**Components of the Plan:** Each storm water plan must include a site map and a description of the measures and controls that will be used to prevent and/or minimize pollution of storm water. The site description must include:

- **Topographic Map:** Maps must extend one-fourth mile beyond the property line, showing the facility, surface water bodies, wells, seepage pits, infiltration ponds, storm water discharge points;
- **A Site Map:** Maps should include all outfalls and storm water discharges, drainage areas of each storm water outfall, structural storm water pollution control measures (i.e. retention ponds, vegetation swales, sediment traps), name of receiving water/separate municipal storm sewer system, locations of exposed significant materials, location of past spills/leaks, location of high risk/waste-generating areas and activities;
- **Narrative Description:**
  - Include the activities (industrial) occurring at the facility, significant materials that are treated, stored or disposed of in a manner to allow exposure with storm water;
  - Materials, equipment and vehicle maintenance practices employed to minimize contact of significant materials to storm water;
  - Existing structural and non-structural control measures employed to reduce pollutants in storm water discharges;
  - Industrial storm water discharge treatment facilities;
  - Methods of on-site storage and disposal of significant materials;
- **Material Inventory:** A list of all materials, used, stored, or produced on site with emphasis on those materials that are exposed to storm water and have the potential of polluting storm water runoff;
- **List All Significant Spills or Leaks:** Include all spills and leaks that occurred during the past three years;
- **Storm Water Management Controls:**
  - Include all methods that will be utilized to control significant pollutants in storm water runoff;
  - Identify storm water pollution prevention plan personnel who will be responsible for developing, implementing and revising the plan;
  - Procedures for the inspection and maintenance of storm water conveyance system devices;
  - Good housekeeping policies and procedures;

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- Identify areas where significant spills may occur that would affect storm water discharges, as well as procedures for handling such events;
- **Storm Water Management Practices:** List all measures to remove significant pollutants from the storm water (i.e. containment devices, oil-grease separators, debris and sediment controls, waste chemical disposal);
- **Sediment and Erosion Prevention:** Identify topographic areas that have a high potential for erosion of soil and the methods to be employed to reduce such erosion;
- **Employee Training:** Periodic training of all employees at all levels of responsibility should be conducted in the storm water pollution prevention plan. Topics should include spill response, materials/equipment handling procedures, and good housekeeping strategies;
- **Inspection Procedures:** Qualified plant personnel should conduct periodic inspections, documenting such inspections and any corrective action to be initiated;
- **Non-Storm Water Discharges:** A qualified plant employee should conduct a visual inspection of storm water to assure that non-storm water discharges are not entering the storm water (i.e. oil sheen). In addition, an inspection of procedures/equipment for the discharge on non-storm water should be conducted when appropriate. Laboratory testing is not required but should be conducted if reason exists to believe that significant pollutants are present in the storm water discharges;
- **Annual Inspection:** An annual inspection is required that includes a review of the storm water pollution prevention plan, as well as the facility to assure all measures and controls are operating properly. The annual report should be submitted to the Agency as outlined in this permit;
- **Other Program Requirements:** The plan shall include a description and records for additional federal and/or local programs that may affect storm water discharges (i.e. Spill Prevention Control and Countermeasures-SPCC);
- **Signature Requirements:** The signature of the person responsible for the preparation of the initial plan and all subsequent amendments to the plan should be included.

Another concern raised in the public hearing was the potential for leaching of pollutants from broken solar panels. The solar system includes an electrical monitoring system and in the unlikely event of a panel being broken, the system would alert the maintenance crew, who will replace the panel and recycle or dispose of it appropriately. In addition to the monitoring system, the panels are constructed of laminated glass, similar to auto glass. Laminated glass is a safety glass consisting of two or more layers of glass with one or more layers of polymer interlayers between them which prevent the glass from breaking into large sharp pieces. Breaking produces a characteristic "spider web" cracking pattern (radial and concentric cracks) when the impact is not enough to completely pierce the glass. This results in glass that protects

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and holds in place the inner components of the solar panel, reducing the likelihood of any internal components being released.

**Effects on Property Values:** Concerns about the effect of a solar facility on surrounding property values was brought up at the Public Hearing. One written comment referenced a 25% decrease in property values and references the “CitizensforResponsibleSolar” website, but that website has no citations for sources. In our review, we have located a 2018 study completed by Cohn Reznick ([www.cohnreznick.com](http://www.cohnreznick.com)). This study was submitted to Champaign County and is publicly available on the County’s website at: [https://www.co.champaign.il.us/CountyBoard/ZBA/2018/180412\\_Meeting/180412\\_Adjacent%20Property%20Values%20Solar%20Impact%20Study%20by%20CohnReznick.pdf](https://www.co.champaign.il.us/CountyBoard/ZBA/2018/180412_Meeting/180412_Adjacent%20Property%20Values%20Solar%20Impact%20Study%20by%20CohnReznick.pdf)

This study noted that “These studies found little to no measurable and consistent difference in value between the Test Area Sales and the Control Area Sales attributed to the proximity to solar farms and are generally considered a compatible use. Considering all of this information, we can conclude that since the Adjoining Property Sales (Test Area Sales) for the existing solar farms analyzed were not adversely affected by their proximity to solar farms, that properties surrounding other solar farms operating in compliance with all regulatory standards will similarly not be adversely affected, in either the short- or long-term periods”.

**Number of Waivers Required:** One comment at the Public Hearing commented on the number of Waivers being requested. Site 1 layout has been revised to increase the setback from the small parcels to the north and no longer need the waiver for the 22 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet. This setback now exceeds the 240 feet. Site 1 is now requesting the following waivers:

- a) A waiver for locating the PV Solar Farm 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.(a).
- b) A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

Site 2 is requesting the following waivers:

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- a) A waiver for locating the PV Solar Farm 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.(a).
- b) A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.

The first waiver requested is for locating the PV Solar Farm less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality. There is not a design adjustment that can be made to move the site more than ½ mile from the City limits of Urbana, therefore this waiver is requested due to location, not project design.

The second Waiver requested is a waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board. This waiver is being requested to allow the project construction contractor to pursue this waiver at the time of construction when deliver loads and schedules will be more clearly defined.

**Effects to Park Development:** A number of comments on potential impacts from the solar project on the future development of the land owned by the Urbana Parks District. The comments were about site access, invasive species control, noise and visual effects.

**Site Access:** According to Champaign County aerial imagery, the 29-acre parcel appears to be currently used for row crop production. It is unknown when the park land could potential be developed, it is our understanding is there is no timeframe, park plan/layout or funds available to develop this property as a park at this time.

Westwood has reached out to Kevin Garcia, City of Urbana Principal Planner and Zoning Administrator and requested he review and comment on the project. His comments were included in a response email on January 9, 2024 (e mail included in **Appendix C**) and included below:

1. Our current comprehensive plan, which was adopted in 2005, shows a potential extension of Stone Creek Boulevard to the south, across Windsor Road, which would run through the westernmost portion of Site 2.
2. We are currently writing a new comprehensive plan, which may include this same potential extension.



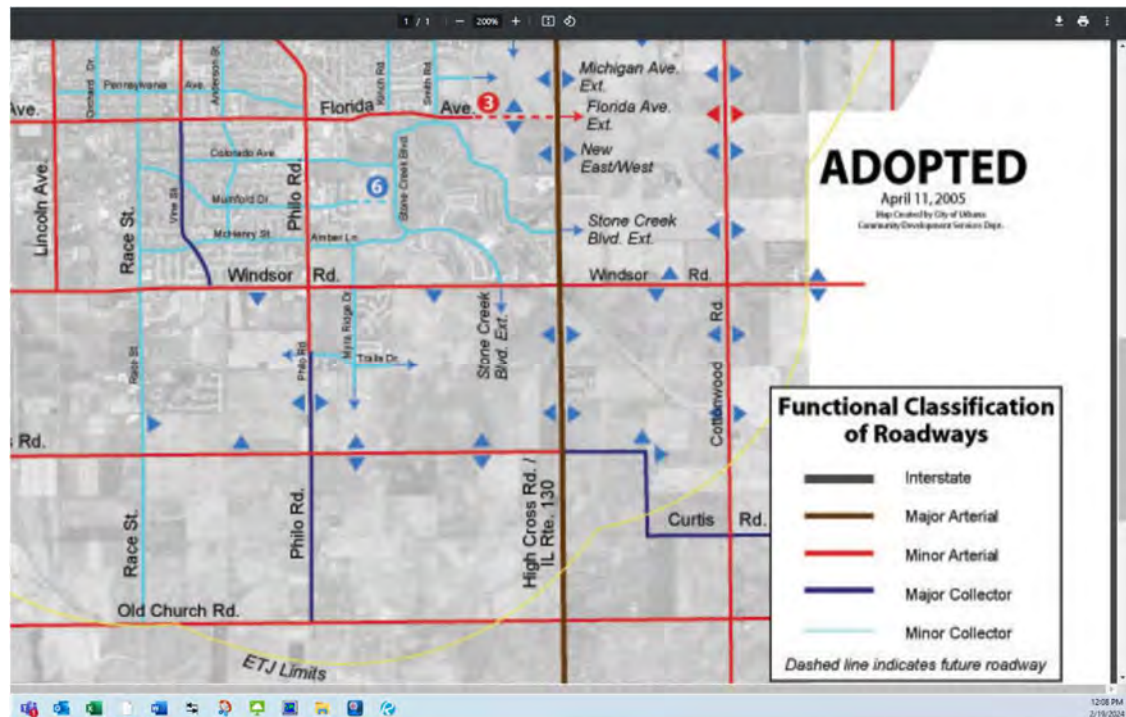
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3. This area lacks sewer infrastructure; it would require a large investment for the site or surrounding area be developed in the future, so it is unlikely that any development would take place in the area south of Windsor and west of High Cross Road any time soon.
4. The decommissioning plan would return the sites to their pre-development condition and would therefore accommodate future development.

We therefore have no issue with plans to develop these sites as solar farms, and therefore waive our requirement that the County hold two meetings on these cases.

Kevin did rescind the waiver for the two meetings for the project to allow more time to address the Park District concerns but has not offered any additional comments. Kevin verified that the City would not be requesting any city meetings on the project and that the City had no additional comments in a phone conversation on 2/29/2024.

The 2005 City of Urbana Comprehensive Plan does show a potential road extending south from Windsor Road. Below is a screenshot of the Comprehensive Plan Appendix D  
[https://www.urbanaininois.us/sites/default/files/attachments/Appendix\\_D.pdf](https://www.urbanaininois.us/sites/default/files/attachments/Appendix_D.pdf)



This plan appears to show a road heading south from Windsor Road, but the road location appears to be shifted west of where S Stone Creek Boulevard is currently located. Due to the development of the solar project currently under construction on

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the parcel located west and south of the A & E Animal Hospital (PID 30-21-27-200-005), it is likely that that road, if ever built would be located further west along Windsor Road on parcel PID 30-21-27-100-002 due to the solar facility currently under construction. Therefore, if the City ever extends sewer and water south of Windsor Road prior to the solar facility on Windsor road being decommissioned, access for the park property likely would be developed from the west even if the Bonacci Site 2 project was not developed.

In addition, the park property extends to the east to South High Cross Road and there is an existing field approach from South High Cross Road onto the park property that is clearly visible in the aerial images. See the sketch below that addresses current and future access for the park property.



Due to these factors, it appears that the Bonacci Solar Project would not have an impact on the potential site access to the park property.

Other comments/requests received by Derek Liebert, Superintendent of Planning and Operation, Urbana Park District are included and addressed below:

1. **Comment:** Planting of tree screen on the south of the proposed solar array to the full extent of the future park site

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**Response:** The site plans has been revised to include a solid fence along the southern boundary of both Sites 1 and 2. This fence will entirely screen the project from the park land and provide an additional noise barrier. In addition, the vegetative screening has been extended to the entire southern perimeter of both projects adjacent to the Urbana Park District parcel. The revised screening plans are included in **Appendix B**. In addition, at the request of County Staff, the proposed American elderberry has been replaced with a more evergreen species (*Technito arborvitae*) in the plan. This will provide more year-round screening than the elderberry. The planted shrubs are expected to grow at the following rates and achieve the heights in **Table 4** below:

**Table 4-Scening Shrub Information**

<b>Species</b>	<b>Growth Rate</b>	<b>Height at Maturity</b>
<i>Technito Arborvitae</i>	Moderate growth 8"-12" per year	12-15' tall x 8-10' wide at maturity
<i>Leatherleaf Viburnum</i>	Fast/Moderate growth 12"-24" per year	10-15' tall x 10-12' wide at maturity
<i>Mohawk Viburnum</i>	Fast/Moderate growth 12"-24" per year	8-10' tall x 8-10' wide at maturity
<i>Summer Wine Ninebark</i>	Fast growing 12"-24" per year	6-8' tall x 6-8' wide at maturity

2. **Comment:** A berm that provides additional screens and attenuates noise from the solar array inverters.

**Response:** The Applicant has considered a berm as a further noise abatement measure, but would propose that a berm is not required for the following reasons:

- a) The noise study that has been completed indicates that the noise levels will be in line with the background ambient noise and a berm will not be required due to noise.
  - b) The grading involved with the construction of a berm impacts the topsoil and requires more soil disturbance. The goal of the project is to limit the disturbance to topsoil onsite.
  - c) The addition of a solid fence along the southern project boundary will provide additional noise buffer.
  - d) The two rows of shrubs will provide additional noise and visual screening.
3. **Comment:** Ongoing annual monitoring of the noise to confirm compliance with maximum allowable noise regulations.

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**Response:** *The Applicant has considered on-going noise monitoring as a further measure, but would propose that monitoring is not required due to the noise study that has been completed indicates that the noise levels will be in line with the background ambient noise.*

4. **Comment:** Dark sky lighting with neighbor cutoff to control light trespass

**Response:** *The only planned lighting on the site will be a downward facing security light at the project entrance gates, these will be screened from the park property by the vegetation screening.*

5. **Comment:** Notification of any site changes/addition of any buildings, above or below ground infrastructure.

**Response:** *Any changes to the project would be subject to County review in compliance with the approved SUP application.*

6. **Comment:** No temporary buildings, storage of materials, equipment and/or stockpiling on site.

**Response:** *No buildings are planned for the site. There also will be no long-term storage of materials onsite after construction. During construction there may be short -term storage of materials and equipment onsite. However, construction will likely be completed before any portion of the park has been developed.*

7. **Comment:** No third-party uses/users or leasing of site.

**Response:** *The site will be developed and used as a solar facility, no other uses or leases are expected.*

8. **Comment:** Ongoing management of plantings for the control of invasive and noxious species.

**Response:** *A detailed Vegetation Management Plan has been completed for both sites. These plans detail how the sites will be prepped and seeded, what the seed mixes are and how the ongoing control of invasive and noxious species will be completed. The plans for both sites are included in Appendix D.*

Based on the information above, the information submitted in the original application, and the revisions to the plan to address concerns, we feel that the development of the

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Bonacci Solar sites will not impede the potential development of the Urbana Parks District property.

Please include this memo into the record for the project and include it in the materials for the March 14, 2024 ZBA hearing.

Please contact me at (612) 280-4009 with any questions.

**Westwood**

**RECEIVED**

MAR 01, 2024

CHAMPAIGN COUNTY  
PLANNING & ZONING

# Vegetation Establishment and Management Plan

**Bonacci Site Solar I of II**  
Champaign County, Illinois

Prepared For:  
Forefront Power, LLC  
100 Montgomery Street  
Suite 725  
San Francisco, CA 94104

Prepared By:  
Westwood Professional Services, Inc.  
12701 Whitewater Drive  
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Minnetonka, MN 55343

Project Number: R0045891.03  
Date: February 7<sup>th</sup>, 2024

# Westwood

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- Exhibit 1: Seeding Plan
- Exhibit 2: Seed Mixes
- Exhibit 3: Illinois Noxious Weed Law Species List
- Exhibit 4: Illinois Exotic Weed Act Species List

## 1.0 Project Description

The Project is located within an unincorporated part of Champaign County, Illinois. The Project is located along Co. Road 1400 N, just southwest of the town of Urbana.

The proposed projects will involve the construction and operation of a photovoltaic solar power generation facility that is expected to produce as much as 4.5 MW AC of renewable electric power. Upon completion, the Facility will comprise a solar array consisting of ground-mounted photovoltaic panels and electrical support equipment, collection lines, access roads, and fencing. The Facility is located on approximately 29.54 acres and shares some Facility infrastructure with the adjacent Bonacci II Solar Facility.

The land use in the vicinity of the proposed site includes unimproved agriculture land, and very low density rural residential.

The overall goal of this Plan is to establish a sustainable, diverse, perennial pollinator friendly ground cover throughout the Project Area that meets the standards for the Illinois Solar Site Pollinator Habitat criteria. The purpose of this Plan is to lay out a clear strategy for site preparation, seeding, planting methods, and the process and timeline for successful vegetation establishment. The Plan also outlines the long-term maintenance and monitoring necessary to contribute to the long-term success for the Project.

## 2.0 Vegetation Establishment and Management During Construction

During Project development and before beginning construction, site vegetation will be evaluated to determine which areas will be mowed, left undisturbed, or will require pre-seeding. Areas with limited vegetation due to agricultural practices, or where native vegetation is disturbed due to construction activities will be seeded and stabilized in a timely manner. The portions of the Project Area currently well vegetated and not utilized for Project facilities, or not impacted during construction, will remain vegetated. These areas include most wetlands, forested lands, and other non-agricultural areas along the periphery of the Project Area. The portions of the Project Area located outside of the perimeter fence that are historically actively farmed and lacking vegetation will be pre-seeded.

The following sections describe vegetation activities conducted during construction.

### 2.1 Site Clearing, Grading, and Vegetation Removal

Preparation for construction of the Project will require some amount of vegetation removal and grading. Minimal, if any clearing is anticipated as the Project Area was previously land in active agricultural use. Grading will be needed to prepare the site for installation of the single-axis tracker system, inverters, roads, and other infrastructure. The tracker foundation piles are installed within certain slope tolerances required by the tracker manufacturer in order to create level structures for the installation of solar panels. The grading design of the site seeks to minimize grading while providing a surface suitable to



meet these tracker slope tolerances and to allow for positive drainage. The grading design attempts to minimize the extent of, and balance cut and fill volumes as much as possible across the site. Given the size of the Project Area, minimal grading is anticipated. Excess material may be spread in a controlled manner evenly across the site.

Erosion and sediment control devices will be installed in advance of grading activities and will be maintained throughout grading and stabilization according to the erosion control, storm water management permit, and any associated BMPs developed for the Project.

As discussed above, most of the current topography is suitable for the placement of PV panels with limited site preparation or improvements required. Where grading is necessary, it will occur after installation of principal erosion and sediment control devices. The contractor will avoid mixing or contaminating topsoil with subsoils. Topsoil will be stripped, stockpiled, and properly maintained by BMPs separately from subsoils and reapplied during final grading for vegetation establishment. Stockpiled soils will be temporarily stabilized with a cover crop such as oats or winter wheat. Drainage patterns from the Project Area will remain similar to pre-developed conditions, with a majority of the site draining via sheet flow to existing drainage ditches or swales bisecting large contiguous portions of the Project Area.

## 2.2 Invasive Species Management

Invasive and weed species management will be conducted as needed to reduce the spread of invasive species from existing populations into adjacent agricultural lands, improve establishment and success of the permanent seed mixes, and reduce vegetation impacts to the PV panels and solar facility infrastructure.

Invasive species management will be conducted as needed to:

- Minimize the spread of invasive species from existing populations if present.
- Prepare the seeding areas for permanent vegetation to reduce competition and improve establishment and success of the permanent seed mixes.
- Reduce vegetation impacts to the PV panels and solar facility infrastructure. Flowering non-native species that are not listed on the Illinois Noxious Weed Law Species List and do not have heights that would interfere with the Project operations will not be actively managed.

Illinois Administrative Code lists 9 weed species in the Illinois Noxious Weed Law that must be controlled on property owned or managed. These weeds have detrimental effects, and they must be controlled and removed using legal means. See Exhibit 3 for the Illinois Noxious Weed Species List.

Also set into Illinois Administrative Code, The Illinois Exotic Weed Act is managed by the Illinois Department of Natural Resources (IDNR). These non-native plants listed in Exhibit 4, spread, naturalize, and damage natural vegetation habitats. **This law doesn't** require the owner or manager of the property to control these plants like the Illinois Noxious Weed Law does. Rather, the intent is to prevent the spread. Please do what you can to prevent these species from spreading, see *Monitoring and Maintenance* section for

more information. Controlling these species is the ultimate form of preventing the spread of these invasive species.

## 2.3 Herbicides

Depending on the site conditions, a non-selective herbicide such as a Glyphosate may be used to prepare the seedbed. Broadleaf or grass-selective herbicide may be used depending on need. Application method will be reviewed to determine whether low volume/spot application or broadcast applications are appropriate. Some additional considerations include target species, vegetation density or composition, and site evaluation including sensitive surrounding areas, projected precipitation, or winds.

Herbicide treatments will be performed by individuals with a current Commercial Pesticide Applicator certification and license issued through the State of Illinois in accordance with all applicable laws, regulations, and herbicide label instructions.

Vegetation management equipment and implements will be cleaned of potential weed and invasive species reproductive parts prior to entering the Project Area. Similarly, equipment will be cleaned after all work events in the Project Area. Cleaning can occur off-site at a designed cleaning station or facility, or a cleaning station constructed in the Project Area. Cleaned equipment should always be inspected to ensure removal of all vegetative matter.

## 2.4 Temporary (Annual) Seeding

Temporary seeding shall be applied for all areas of disturbance intended to remain pervious. Additional areas where temporary seeding should be applied include topsoil stockpiles and non-structural soil material. Multiple applications will be necessary during the construction process to meet the requirements of temporary stabilization.

Winter wheat and annual ryegrass should be selected as the temporary seeding cover crop if being installed during the fall through the winter or frost seeding. Oats and annual ryegrass should be selected as the temporary seeding cover crop if being installed in spring or early summer.

# 3.0 Vegetation Installation

The main goal of site preparation is to provide or create ideal growing conditions for seed to be installed. It will be essential to control invasive species after planting, along with erosion and sediment control, and preserving areas not meant to be disturbed.

The following section describes site preparation tasks that may be conducted prior to the installation of the permanent seed mixes. All site preparation activities shall maintain compliance with the erosion control and Project storm water management permit.

The permanent seed mixes have been customized to be compatible with PV panels and adapted to the site environmental conditions. The proposed seeding plan for areas within the Project Area is provided in Exhibit 1.

### 3.1 Seed Bed Preparation

Prior to application of the seed mixes to the Project Area, the seed bed will be prepared to ensure successful propagation and survival of the desired plants in the Project Area. To prepare the site for effective seeding, any invasive species (Section 2.2) located within the area to be seeded should be treated with an approved herbicide (Section 2.3).

An adequate seed bed will be prepared using a disc, field cultivator, or chisel plow (or equivalent). Seedbed preparation will be based on seeding methods and species planted. Tillage and equipment operations related to seeding and mulching will be performed in a manner to minimize soil erosion.

Compacted areas, such as the laydown yards and heavily travelled corridors, will be decompacted. Decompaction should be performed with chisel plows, rippers, or tillers depending on the depth and severity of the compaction. When necessary, decompaction should be followed by disking to prepare a smooth, moist, and evenly textured soil surface. Spot cutting and mowing will be appropriately timed to assist with control of invasive and weedy species (e.g., mow biennial species during flowering but prior to seed production) and to remove vegetation to assist with site seedbed preparation. Methods will be selected based on aerial extent of vegetation and site accessibility.

### 3.2 Installation Methods

Seed will be applied uniformly at specified rates by drilling, broadcasting, or hydroseeding. Seed will be sown to the appropriate depths based on method, species, soil type and available moisture. Seeding activities will be suspended if conditions are such that equipment will cause significant rutting of the surface in the designated seeding areas.

Drill Seeding – seeding equipment will be capable of uniformly distributing the seed and sowing it at the required depth. Drills will be equipped with a feeding mechanism that will provide a uniform flow of seed at the desired application rate. Double-disc furrow openers equipped with depth bands and packer wheels to firm the soil over the seed will be used where appropriate. Other types of drill seeder maybe used based on availability and soil conditions.

Broadcast Seeding – broadcast seeding rate will be double the drill-seeding rate. Seed will be uniformly distributed by mechanical or hand-operated seeder. Following seeding, a cultipacker, harrow, or hand rake will be used to cover the seeds and firm the seedbed as is appropriate for the area.

Hydroseeding – hydroseeding rate will be double the drill seeding rate, or the same as broadcast seeding rate. Seed will be applied alone or in a seed, fertilizer and/or hydromulch slurry. If seeding is applied alone, the amount of hydromulch material will be adjusted to the seed slurry to show where seeding has taken place, providing a means to identify uniform cover. Hydroseeders must provide continuous agitation and be capable of supplying a continuous, non-fluctuating flow of slurry. Hydroseed slurry will not be held in the tank more than 1 hour before use.

### 3.3 Permanent (Perennial) Seeding

Upon completion of construction, all disturbed areas will be seeded with a perennial seed mix. Westwood coordinated with Minnesota Native Landscapes, Inc., a highly recognized ecological restoration company and purveyor of native plant species, to develop a diverse and appropriate seed mix for the Project based upon the Illinois Solar Site Habitat Planning Scorecard. The seed mixes are provided in the Tables 1–2. These seed mixes are subject to availability at the time of purchase and substitution may occur if necessary. New species substituted into the mix will meet the same general criteria as those removed – native to the region, low-growing, local-origin, pollinator friendly and if applicable, the same blooming category.

The proposed mixes are composed of various native grasses and forb or wildflower species. The species selected provide food for all life-stages of pollinators. Once established and mowing is occurring on an annual or biennial basis, the proposed mixes will also provide nesting and foraging habitat for birds. Additionally, these native plant species will grow deep and prolific root systems leading to restructured agricultural soils for enhanced infiltration and increased organic matter. The species have been selected on their growth size, composition, and ability to thrive under a wide array of site conditions. Final seed mixes and seeding rates may be modified based on factors such as site conditions and seed availability at the time of final design and construction and may result in the addition or removal of species, or adjustment of species component percentages.

#### 3.3.1 Solar Array Mix (Table 1)

This native mesic prairie seed mix (Solar Array Mix) is composed primarily of low growing grass and sedge species to provide permanent low maintenance and low stature vegetation that can thrive a variety of soil and environmental conditions. This mix is designed to be cost-effective as it covers most of the Project Area where solar arrays will be installed and provides deep-rooted species to aid in soil stabilization. This mix is specially designed to remain at a lower height (12 to 30 inches) so as to not interfere with the operation of the solar equipment and reduces the maintenance needed underneath the array.

**Table 1: IL Solar Array Seed Mix**

Scientific Name	Common Name	% of Mix	PLS
<i>Bouteloua curtipendula</i>	Side-oats Grama	50.00	5.00
<i>Bouteloua gracilis</i>	Blue Grama	7.00	0.70
<i>Bromus kalmii</i>	Prairie Brome	20.00	2.00
<i>Koeleria macrentha</i>	Junegrass	2.00	0.20
<i>Festuca subverticillata</i>	Nodding Fescue	2.00	0.20
<i>Sporobolus heterolepis</i>	Prairie Dropseed	10.00	1.00
	<b>Total Grasses</b>	<b>91.00</b>	<b>9.10</b>
<i>Carex bicknellii</i>	Bicknell's Sedge	2.00	0.20
<i>Carex spengelii</i>	Long-Beaked Sedge	2.00	0.20
	<b>Total Sedges</b>	<b>4.00</b>	<b>0.40</b>
<i>Chamaecrista fasciculata</i>	Partridge Pea	1.00	0.10

Scientific Name	Common Name	% of Mix	PLS
<i>Dalea purpurea</i>	Purple Prairie Clover	2.00	0.20
<i>Rudbeckia hirta</i>	Black-eyed Susan	2.00	0.20
	<b>Total Forb</b>	<b>5.00</b>	<b>.50</b>
	<b>MIX TOTAL</b>	<b>100</b>	<b>10.00</b>

The Solar Array Mix will be drill or broadcast seeded based on site conditions and timing of seeding to uniformly distribute the mix under and around the constructed solar array. If a seed drill is used, seed will be sown at a depth of no more than 0.25 inch. The Solar Array Mix will be sown with oats or winter wheat as a cover crop to limit erosion, suppress weed growth, and provide a micro-climate for the native plants as they establish themselves.

The species in this mix will act as a permanent BMP and allow for runoff, sediment, and other pollutants to be infiltrated or captured by the vegetation to further aid in the site's soil stability.

### 3.3.2 Pollinator Mix (Table 2)

This native mesic prairie seed mix (Pollinator Mix) contains a wide variety of grasses, sedges, and forbs. The mix is intended to promote pollinator species diversity, with flowering species over each of the three blooming periods (spring, summer, and fall), along with native bunch grasses and sedges that provide habitat to pollinators and other wildlife. This seed mix is composed of species of low to medium stature (12 to 48 inches) that can thrive in a wide variety of soil and environmental conditions. The Pollinator Mix is intended for perimeter and buffer area outside a 10-foot buffer from the PV panel arrays select access roads, and corridors between main arrays.

**Table 2: Pollinator Mix**

Scientific Name	Common Name	% of Mix	PLS
<i>Bouteloua curtipendula</i>	Side-oats Grama	20.00	2.00
<i>Bromus kalmii</i>	Prairie Brome	8.00	0.80
<i>Elymus canadensis</i>	Canada wild rye	7.00	0.70
<i>Elymus virginicus</i>	Virginia Wild Rye	10.00	1.00
<i>Schizachyrium scoparium</i>	Little Bluestem	20.00	2.00
<i>Sporobolus compositus</i>	Rough Dropseed	2.00	0.20
<i>Sporobolus heterolepis</i>	Prairie Dropseed	1.00	0.10
	<b>Total Grasses</b>	<b>68.00</b>	<b>6.80</b>
<i>Carex bicknellii</i>	Bicknell's Sedge	1.00	0.10
<i>Carex molesta</i>	Field Oval Sedge	1.00	0.10
	<b>Total Sedges</b>	<b>2.00</b>	<b>0.20</b>
<i>Achillea millefolium</i>	Yarrow	0.50	0.05
<i>Allium cernuum</i>	Nodding Onion	0.25	0.30
<i>Anemone canadensis</i>	Canada Anemone	0.20	0.20
<i>Asclepias syriaca</i>	Common Milkweed	1.50	0.15
<i>Asclepias tuberosa</i>	Butterfly Milkweed	0.75	0.08
<i>Chamaecrista fasciculata</i>	Partridge Pea	5.00	0.50
<i>Dalea candida</i>	White Prairie Clover	2.50	0.25
<i>Dalea purpurea</i>	Purple Prairie Clover	5.00	0.50

<b>Scientific Name</b>	<b>Common Name</b>	<b>% of Mix</b>	<b>PLS</b>
<i>Desmodium canadense</i>	Canada Tick Trefoil	3.00	0.30
<i>Echinacea pallida</i>	Pale Purple Coneflower	1.00	0.10
<i>Heliopsis helianthoides</i>	Common Ox-Eye	2.00	0.20
<i>Monarda fistulosa</i>	Wild Bergamot	0.50	0.05
<i>Penstemon digitalis</i>	Foxglove Beardtongue	0.25	0.03
<i>Ratibida pinnata</i>	Yellow Coneflower	0.30	0.03
<i>Rudbeckia hirta</i>	Black-eyed Susan	3.50	0.35
<i>Solidago rigida</i>	Stiff Goldenrod	0.25	0.03
<i>Symphotrichum laeve</i>	Smooth Blue Aster	1.00	0.10
<i>Symphotrichum oolentangiense</i>	Sky-blue Aster	1.00	0.10
<i>Tradescantia ohiensis</i>	Ohio Spiderwort	0.50	0.05
<i>Zizia aurea</i>	Golden Alexanders	1.00	0.10
	<b>Total Forbs</b>	<b>30.00</b>	<b>3.00</b>
	<b>MIX TOTAL</b>	<b>100.00</b>	<b>10.00</b>

The Pollinator Mix will be drill or broadcast seeded based upon site conditions and timing of seeding to uniformly distribute the mix. If a seed drill is used, seed will be sown at a depth of no more than 0.25 inch. The Pollinator Mix will also be sown with oats or winter wheat as a cover crop to limit erosion, suppress weed growth, and provide a micro-climate for the native plants as they establish themselves.

### 3.4 Timing

Native seeding will be performed either in the spring or fall. Spring seeding season would occur mid-March through June and the fall seeding season would occur from mid-October until first frost. A cover crop will be installed at the same time as perennial seeding.

Temporary cover crop (annual) seed and permanent (perennial) seed should be installed simultaneously but separately at approximately 90-degree angles to minimize competition and promote better establishment.

Mulch material or other erosion control materials will be applied per manufacture recommendations. The grading Permit may require application of a straw mulch or other approved compost cover over newly seeded areas to meet stabilization requirements.

### 3.5 Standards for Seeds and Seed Mixes

Seed and seed mixes will be native to the Illinois and regionally sourced and purchased on a Pure Live Seed (PLS) basis where available. Associated seed tags will identify purity, **germination, date tested, total weight and PLS weight, weed seed content and supplier's** information. Seeding rates will be based on the PLS rate and number of pure live seeds per square foot. Seed tags will be retained for record keeping such as dates and locations of application.

The contractor will keep record of which seed is used along with application rate and dates of application. The contractor will document seed tags for reference.

## 4.0 Monitoring and Maintenance

Follow-up monitoring and maintenance are critical tasks for achieving successful establishment of seeded vegetation. Native plant species typically take longer to mature than non-native species. For full establishment of native vegetation, the process usually takes two to three years for plants to reach maturity.

In the first year, most native species are developing their deep fibrous root system. The second year brings more developed foliage and blooms. During these first two years, it is essential to offer routine maintenance to prevent more rapidly growing non-native and invasive weed species from establishing. The following three years should show a reduction in need for maintenance as the native vegetation establishes.

The Project will be monitored through the construction process to verify temporary and permanent seeding is being completed. The Project will be monitored annually during the five-year establishment period. Monitoring will influence maintenance and vegetation management needs across the Project Area. Routine post-construction monitoring will include surveys for invasive species.

Annual reporting will be completed to summarize vegetation establishment progress towards achieving project objectives and to verify conditions of approval are met.

### 4.1 Mowing

Mowing is an essential tool in the establishment of native vegetation proposed for revegetating the solar site. Mowing keeps undesirable vegetation and weed species at a reduced height and prevents them from blooming and setting seed. Mowing also allows sunlight to reach the ground to facilitate growth of desirable species and prevents shading.

Mowing will take place approximately 4-6 weeks after permanent seeding of all seed mixes and then repeated as needed to keep undesired weed species from shading or going to seed. A minimum of two mowing events per year should occur during the first two years. When weeds reach a height of around 12 to 18 inches, they will be mowed. The mower deck should be set at 5 to 8 inches and raised as perennial plantings mature. Weed whipping will be needed in areas near equipment, to prevent damage.

In years 3-5, the perennial vegetation has established and there is less risk of weed growth. For all seed mixes, mowing will continue to occur at least one per year, or spot mowing to target only specific areas of weed growth. Once vegetation is fully established past year five, mowing can occur every other year or as needed based on monitoring. An alternative to mowing is grazing as numerous projects have started using sheep to replicate the same process. This is alternative that is being actively pursued for this project.

### 4.2 Spot-Herbicide Treatments

Herbicides are another essential tool to ensure planting success. Spot spraying can be utilized to target problematic perennial weeds or woody plants that need to be managed. To the extent possible, herbicide use will be limited to spot spraying to minimize potential impacts on preferred vegetation trying to establish. An appropriate herbicide will be selected depending on site specific conditions, including target species, vegetation density or composition, sensitive surrounding areas, and forecasted precipitation and wind. Herbicides will only be used by trained and licensed professional in accordance with product labels.

In the post-construction condition, invasive species removal will be completed prior to establishing new vegetation.

Herbicide treatments are recommended for management of perennial invasive species, as mowing alone is not typically sufficient for adequate control.

Herbicide treatments will be performed by individuals with a current Commercial Pesticide Applicator certification and license issued through the State of Illinois, and in accordance with all applicable laws, regulations, and herbicide label instructions. Herbicide application in or immediately adjacent to wetlands with standing water will be avoided when possible.

### 4.3 Site Inspections

During each maintenance visit, the site will be inspected for signs of or early indicators of erosion. Any areas of concern will be immediately presented to the project owner/developer to evaluate and implement corrective measures. Should the contractor observe a non-typical condition or change in site conditions the project owner / developer will be immediately notified. During maintenance activities, the access road will be inspected and maintained to ensure that vegetative creep does not occur. This will include the mowing of at least a 3-foot strip paralleling each side of the road. Additionally, any observed vegetative creep within the road will be removed. Also, the perimeter fence line will be inspected for items of trash that may have accumulated since the previous site visit. These items will be collected and disposed of offsite.



## **Exhibit 2: Seed Mixes**



**IL Solar  
Array Mix**

Grass PLS lbs/ac:	9.10
Sedge PLS lbs/ac:	0.40
Forb PLS lbs/ac:	0.50
Species Count:	11
Seeds/Sq. Ft:	65
Height Range:	12-30"

*Location:*

*Medium (mesic) loamy and clay soils. All species native to Illinois.*

	<u>Scientific Name</u>	<u>Common Name</u>	<u>% of Mix</u>	<u>PLS lbs/ac</u>	<u>Bloom Season</u>
<b>Grasses:</b>	Bouteloua curtipendula	Side-Oats Grama	50.00	5.00	
	Bouteloua gracilis	Blue Grama	7.00	0.70	
	Bromus kalmii	Prairie Brome	20.00	2.00	
	Koeleria macrantha	Junegrass	2.00	0.20	
	Festuca subverticillata	Nodding Fescue	2.00	0.20	
	Sporobolus heterolepis	Prairie Dropseed	10.00	1.00	
<b>Sedges:</b>	Carex bicknellii	Bicknell's Sedge	2.00	0.20	
	Carex sprengeii	Long-Beaked Sedge	2.00	0.20	
<b>Forbs:</b>	Chamaecrista fasciculata	Partridge Pea	1.00	0.10	Fall
	Dalea purpurea	Purple Prairie Clover	2.00	0.20	Summer
	Rudbeckia hirta	Black Eyed Susan	2.00	0.20	Summer

*Species subject to change based on availability.*



Grass PLS lbs/ac:	6.80
Sedge PLS lbs/ac:	0.20
Forb PLS lbs/ac:	3.00
Species Count:	29
Seeds/Sq. Ft:	65
Height Range:	24-48"

**IL Solar  
Perimeter Pollinator Mix**

*Location:*  
Medium (mesic) loamy and clay soils. All species native to Illinois.

	Scientific Name	Common Name	% of Mix	PLS lbs/ac	Bloom Season
<b>Grasses:</b>	Bouteloua curtipendula	Side-Oats Grama	20.00	2.00	
	Bromus kalmii	Prairie Brome	8.00	0.80	
	Elymus canadensis	Canada Wild Rye	7.00	0.70	
	Elymus virginicus	Virginia Wild Rye	10.00	1.00	
	Schizachyrium scoparium	Little Bluestem	20.00	2.00	
	Sporobolus compositus	Rough Dropseed	2.00	0.20	
	Sporobolus heterolepis	Prairie Dropseed	1.00	0.10	
	<b>Sedges:</b>	Carex bicknellii	Copper Shouldered Oval Sedge	1.00	0.10
Carex molesta		Field Oval Sedge	1.00	0.10	
<b>Forbs:</b>	Achillea millefolium	Yarrow	0.50	0.05	Summer
	Allium cernuum	Nodding Onion	0.25	0.03	Summer
	Anemone canadensis	Canada Anemone	0.20	0.02	Spring
	Asclepias syriaca	Common Milkweed	1.50	0.15	Summer
	Asclepias tuberosa	Butterfly Milkweed	0.75	0.08	Summer
	Chamaecrista fasciculata	Partridge Pea	5.00	0.50	Fall
	Dalea candida	White Prairie Clover	2.50	0.25	Summer
	Dalea purpurea	Purple Prairie Clover	5.00	0.50	Summer
	Desmodium canadense	Canada Tick Trefoil	3.00	0.30	Summer
	Echinacea pallida	Pale Purple Coneflower	1.00	0.10	Summer
	Heliopsis helianthoides	Common Ox-Eye	2.00	0.20	Summer
	Monarda fistulosa	Wild Bergamot	0.50	0.05	Summer
	Penstemon digitalis	Foxglove Beardtongue	0.25	0.03	Spring
	Ratibida pinnata	Yellow Coneflower	0.30	0.03	Summer
	Rudbeckia hirta	Black Eyed Susan	3.50	0.35	Summer
	Solidago rigida	Stiff Goldenrod	0.25	0.03	Fall
	Symphyotrichum laeve	Smooth Blue Aster	1.00	0.10	Fall
	Symphyotrichum oolentangiense	Sky Blue Aster	1.00	0.10	Fall
	Tradescantia ohiensis	Ohio Spiderwort	0.50	0.05	Spring
	Zizia aurea	Golden Alexanders	1.00	0.10	Spring

*Species subject to change based on availability.*

## **Exhibit 3: Illinois Noxious Weed Law Species List**

Section 220.60 Noxious Weeds

Effective September 23, 2002 (*Alphabetized by scientific name*)

The following plants within the sovereign territory of the State of Illinois are designated and declared noxious weeds:

Common	<i>Scientific</i>
Common ragweed	( <i>Ambrosia artemisiifolia</i> ) <i>within the corporate limits of cities, villages, and incorporated towns</i>
Giant ragweed	( <i>Ambrosia trifida</i> ) <i>within the corporate limits of cities, villages, and incorporated towns</i>
Marijuana	( <i>Cannabis sativa</i> ) (outdoor grown)
Musk thistle	( <i>Carduus nutans</i> )
Canada thistle	( <i>Cirsium arvense</i> )
Kudzu	( <i>Pueraria montana</i> var. <i>lobata</i> )
Perennial sowthistle	( <i>Sonchus arvensis</i> )
Johnsongrass	( <i>Sorghum halepense</i> ) <i>and other johnsongrass x sorghum crosses with rhizomes</i>
Sorghum alnum	( <i>Sorghum alnum</i> )

## **Exhibit 4: Illinois Exotic Weed Act Species List**

Illinois Exotic Weed Act

Last updated January, 2016 (*Alphabetized by scientific name*)

The following plants within the sovereign territory of the State of Illinois are designated Exotic Weed Act. Kudzu is the only plant also on the Noxious Weed list.

Common	Scientific
Giant hogweed	( <i>Heracleum mantegazzianum</i> )*
Poison hemlock	( <i>Conium maculatum</i> )*
Teasel	( <i>Dipsacus spp.</i> )*
Chinese buckthorn	( <i>Rhamnus utilis</i> )
Common buckthorn	( <i>Rhamnus cathartica</i> )
Dahurian buckthorn	( <i>Rhamnus davurica</i> )
Glossy buckthorn	( <i>Rhamnus frangula</i> )
Japanese buckthorn	( <i>Rhamnus japonica</i> )
Saw-toothed buckthorn	( <i>Rhamnus arguta</i> )
Autumn-olive	( <i>Elaeagnus umbellata</i> )*
Russian-olive	( <i>Elaeagnus angustifolia</i> )*
Thorny-olive	( <i>Elaeagnus pungens</i> )*
Amur honeysuckle	( <i>Lonicera maackii</i> )*
<b>Morrow's honeysuckle</b>	( <i>Lonicera morrowii</i> )*
Sweet breath of spring	( <i>Lonicera fragrantissima</i> )*
Tartarian honeysuckle	( <i>Lonicera tatarica</i> )*
Bohemian knotweed	( <i>Fallopia x bohemica</i> )*
Giant knotweed	( <i>Fallopia sachalinensis</i> )*
Japanese knotweed	( <i>Fallopia japonica</i> , syn. <i>Polygonum cuspidatum</i> )*
Japanese honeysuckle	( <i>Lonicera japonica</i> )
Kudzu	( <i>Pueraria montana</i> var. <i>lobata</i> )
Lesser celandine	( <i>Ficaria verna</i> )*
Multiflora rose	( <i>Rosa multiflora</i> )
Oriental bittersweet	( <i>Celastrus orbiculatus</i> )*
Purple loosestrife	( <i>Lythrum salicaria</i> )
Salt cedar	( <i>Tamarix spp.</i> )



**NOISE IMPACT ASSESSMENT**

# Bonacci Solar Project

Champaign County, Illinois

**FEBRUARY 15, 2024**

PREPARED FOR:



**FOREFRONT  
POWER**

PREPARED BY:

**Westwood**

**RECEIVED**

FEB 16, 2024

CHAMPAIGN COUNTY  
PLANNING & ZONING





# Noise Impact Assessment

**Bonacci Solar Project**

Champaign County, Illinois

Prepared For:  
ForeFront Power, LLC  
100 Montgomery St.  
San Francisco, CA 94104

Prepared By:  
Westwood Professional Services, Inc.  
12701 Whitewater Drive  
Suite 300  
Minnetonka, MN 55343

Project Number: 0045891.03  
Date: February 15, 2024

## Executive Summary

Westwood Professional Services, Inc. (Westwood) was contracted by ForeFront Power, LLC (Client) to complete a noise assessment for the Bonacci Solar Project located in Champaign County, Illinois. Westwood understands that the Project consists of 2 sites (Bonacci 1 & Bonacci 2). Bonacci 1 has a proposed nameplate capacity of 4.5 MW and Bonacci 2 has a proposed nameplate capacity of 2.5 MW.

An operational noise impact evaluation of both sites was conducted for the proposed Project layouts. Noise propagation for each inverter was modeled using manufacturer sound data for overall sound power level. A typical inverter spectral curve was adjusted to the known overall level in the absence of manufacturer provided spectral data. Project-generated noise levels were predicted at all noise sensitive receptors within **500'** of proposed Project infrastructure. County and State regulations include octave band noise limits and discrete tone limits set by the Illinois Pollution Control Board (IPCB). Project levels do not exceed the limits set forth in the Illinois Administrative Code. Minimal noise impacts are expected from Project operation, including from overhead wiring/riser poles. The highest broadband noise level expected at a receptor due to Project operation is expected to be imperceptible compared to existing ambient levels, assuming typical quiet rural ambient noise levels.

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- Appendix B Receptor Octave Band Levels
- Appendix C Receptor 1/3 Octave Band Levels
- Appendix D Project Noise Contours

# 1.0 Introduction & Site Description

The proposed Project is located in Champaign County, Illinois (Figure 1). This noise impact assessment was completed as required by the Illinois Pollution Control Board (IPCB). The noise sensitive receptors in the Project vicinity include residences. Existing noise sources include IL-130 to the east and County Road 1400 N and an existing substation to the north. The primary land uses in the Project Area are rural residential and agricultural.

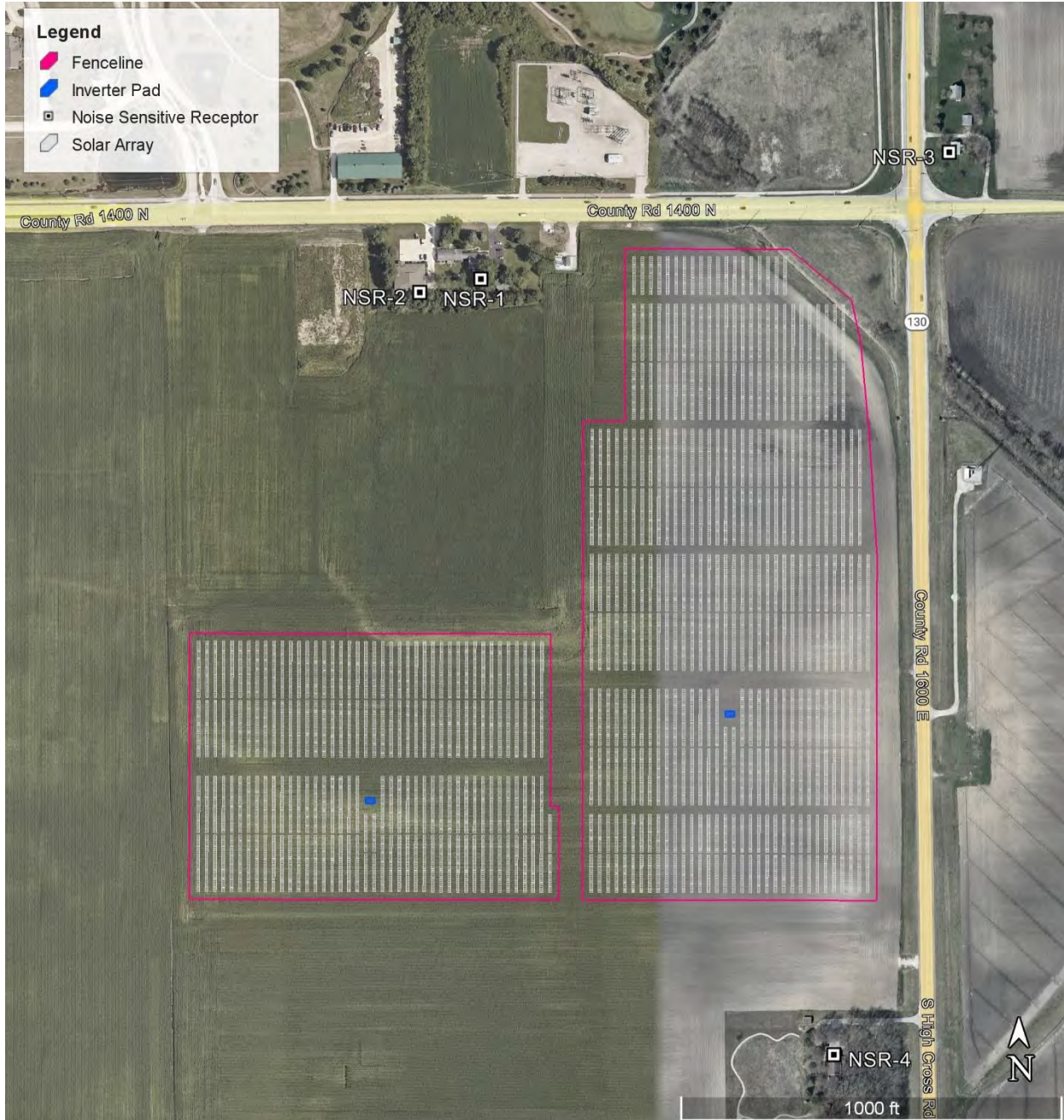


Figure 1: Project Overview

## 2.0 Regulatory Setting & Noise Level Requirements

The Champaign County Zoning Ordinance Section 6.1.5 *Photovoltaic (PV) Solar Farm County Board Special Use Permit* requires compliance with the noise level limits set forth by the Illinois Pollution Control Board (IPCB) within the Illinois Administrative Code (IAC). These limits are stated within IAC *Title 35, Subtitle H, Chapter I, Part 901 Sound Emissions Standards and Limitations for Property-Line Noise-Sources*. This regulation regulates noise levels according to the land use where the noise is produced and where the noise is received. Land uses are split into three classes: Class A refers to residences or equally sensitive areas, Class B land is of mixed use, and Class C refers to agricultural and industrial land uses. Class A noise sensitive receptors as defined by the IPCB include dwellings and occupied community buildings, even those on agricultural land. In the absence of field verification of receptor land classification, the most conservative limits were analyzed for this Project – those of noise produced on Class C land impacting Class A land. The daytime and nighttime octave band limits are listed in Table 1.

**Table 1 Permissible Sound Levels, Class C to Class A (L<sub>eq</sub>)**

Sound Level	31.5	63	125	250	500	1000	2000	4000	8000
Daytime (dB)	75	74	69	64	58	52	47	43	40
Nighttime (dB)	69	67	62	54	47	41	36	32	32

Additionally, the Illinois Administrative Code prohibits the emission of any prominent discrete tones from any property-line noise source located on any Class C land to any receiving Class A land, when measured at any point within the receiving land at least **25’ away from the property-line noise source**). Discrete tones that have a one-third octave band sound pressure level 10 or more decibels below the allowable octave band sound pressure level specified in Table 1. A discrete tone is defined as a one-third octave band sound level that exceeds the arithmetic average of the sound pressure levels of the two adjacent one-third octave bands by 5 dB if the center frequency is between 500 and 1000 Hz inclusive, by 8 dB if the center frequency is between 160 and 400 Hz inclusive, or by 15 dB if the center frequency is between 25 and 125 Hz inclusive.

## 3.0 Modeling Methodology & Parameters

A noise propagation model was developed and run for the Project using CADNA-A (a noise modeling software in compliance with ISO 9613-2). Inverter broadband noise source data was taken from manufacturer cut sheets (67 dBA @ 3 m) and octave band levels were calculated referencing spectral data from a typical solar inverter (Sungrow SG3150U).

As the Bonacci 1 layout locates all 18 inverters at one inverter bank location, the cumulative noise level representative of 18 inverters was used as a single point source at the center of the Bonacci 1 inverter bank location. Similarly, as the Bonacci 2 layout locates all 10 inverters at one inverter bank location, the cumulative noise level representative of 10 inverters was used as a single point source at the center of the Bonacci 2 inverter bank location.

Model parameters were as follows:

- Ground absorption factor of G=0
- Receptor height of 1.5 m above ground level
- Meteorological conditions of 10°C and 70% humidity were assumed.
- No other model adjustments.

Project equipment and layout configuration details are shown below in Table 2.

**Table 2 Project Equipment & Layout Configuration**

Noise Source	# of Units	Equipment Model/Reference	Source Height Above Ground Level (AGL)	Broadband Sound Pressure Level @ 3 m (Single Unit)
Solar Inverter	28	Solectria XGI 1500-250 Series	0.75 m	67 dBA

Unweighted octave-band sound power levels for Project inverters are listed in Table 3 along with overall A-weighted sound power level.

**Table 3 Project Equipment Spectral & Overall Data**

Noise Source	Unweighted Octave Band (Hz) Sound Power Levels (dB L <sub>w</sub> )									Broadband Sound Power Level
	31.5	63	125	250	500	1000	2000	4000	8000	
Solar Inverter (Single Unit)	73.5	78.3	87.0	84.4	81.0	77.3	75.2	77.4	69.5	84.5 dBA
Bonacci 1 Cumulative Solar Inverter Source (18 Units)	86.0	90.8	99.5	96.9	93.5	89.8	87.7	89.9	82.0	97.1 dBA
Bonacci 2 Cumulative Solar Inverter Source (10 Units)	83.5	88.3	97.0	94.4	91.0	87.3	85.2	87.4	79.5	94.5 dBA

Cumulative Project noise was calculated at all noise sensitive receptors within 500' of proposed Project infrastructure. Note that receptor locations have not been field verified and are based upon aerial imagery only. Receptor location coordinates can be found in Appendix A.

## 4.0 Noise Level Estimates & Impact Assessment

Octave band L<sub>eq</sub> sound pressure levels were calculated for each receptor from 31.5 Hz to 8 kHz. The octave band levels were then compared to the nighttime regulation levels from Table 1 above, as the nighttime levels are most conservative. Additionally, discrete tones were determined by analyzing the one-third octave band levels with regards to the Illinois Administrative Code discrete tone criteria. No discrete tones were determined to be present.

Overhead wires/riser poles in the Project area are not expected to produce any appreciable noise and are not expected to increase the existing ambient noise level.

Minimal impacts are anticipated to nearby noise sensitive receptors. Octave band and third-octave band levels at each receptor can be found in Appendix B and Appendix C, respectively.

## 5.0 Regulatory Compliance

All noise sensitive receptors within **500'** of the proposed Project boundary modeled at or below the octave band noise level limits set forth in Illinois Administrative Code *Title 35, Subtitle H, Chapter I, Part 901 Sound Emissions Standards and Limitations for Property-Line Noise-Sources*. Additionally, no discrete tones were determined to be present.

## Appendix A Noise Sensitive Receptor Locations

Receptor ID	UTM NAD83 Zone 16		Elevation AMSL (m)	Street Address
	Easting (m)	Northing (m)		
NSR-1	400571	4437676	213.5	3007 E Windsor Rd
NSR-2	400522	4437666	213.5	3003 E Windsor Rd
NSR-3	400947	4437772	212.7	2608 High Cross Rd
NSR-4	400845	4437055	214.5	3201 S High Cross Rd



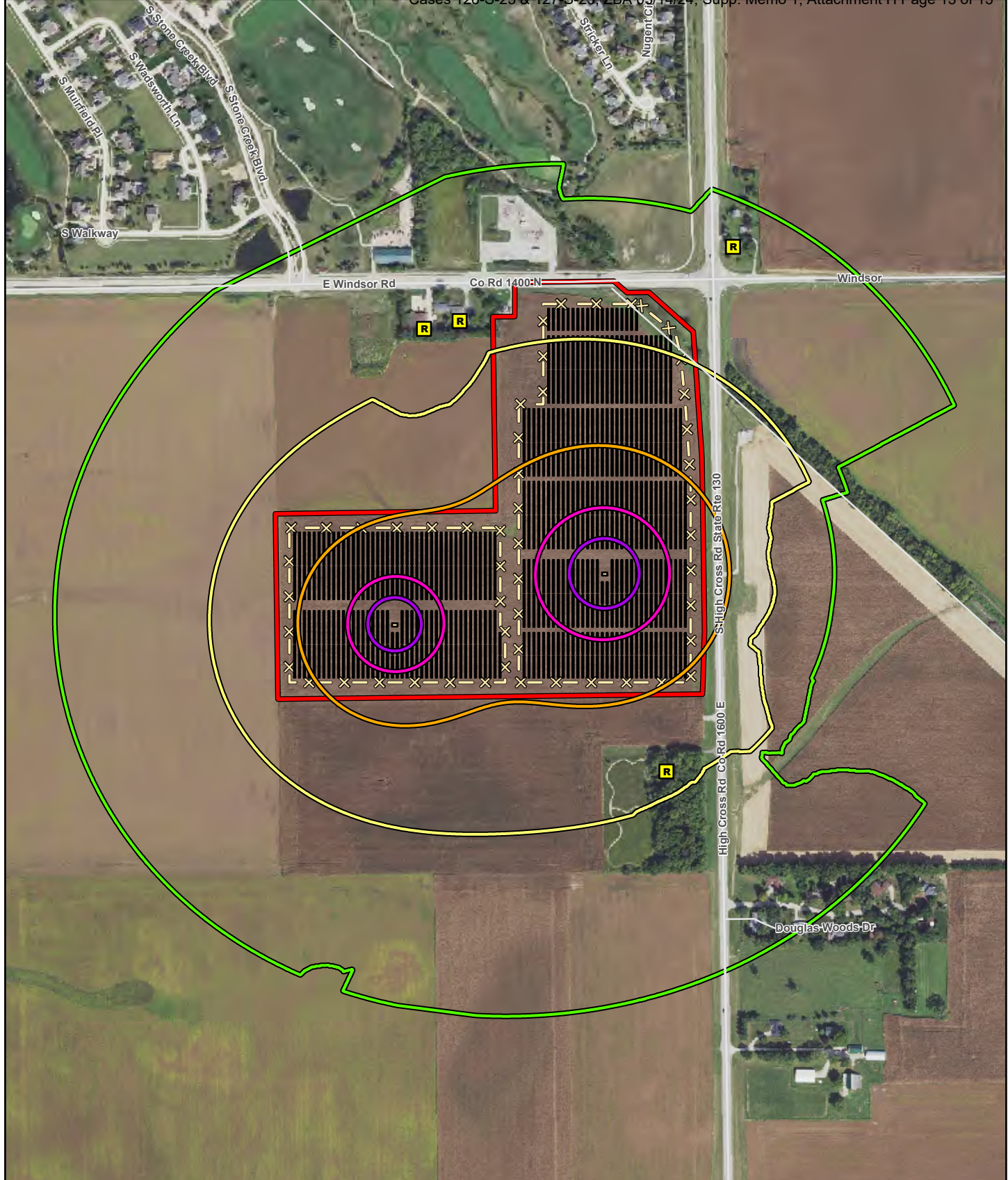
## Appendix B Receptor Octave Band Levels

	<b>31.5</b>	<b>63</b>	<b>125</b>	<b>250</b>	<b>500</b>	<b>1000</b>	<b>2000</b>	<b>4000</b>	<b>8000</b>
<b>Nighttime Regulation</b>	69	67	62	54	47	41	36	32	32
NSR-1	27.7	32.4	41.0	38.1	34.4	29.9	25.3	19.4	-12.8
NSR-2	27.7	32.5	41.1	38.2	34.5	30.0	25.4	19.5	-12.5
NSR-3	28.0	32.7	41.3	38.3	34.5	29.8	24.7	17.3	-18.8
NSR-4	32.3	37.0	45.6	42.8	39.2	34.9	30.9	26.9	1.1

## Appendix C Receptor 1/3 Octave Band Levels

ID	25	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000	6300	8000	10000
NSR-1	22.9	22.9	22.9	27.7	27.6	27.6	36.3	36.2	36.2	33.5	33.4	33.3	29.7	29.6	29.4	25.5	25.2	24.7	21.8	20.6	18.7	17.9	13.2	6.0	-12.9	-29.4	-53.2
NSR-2	23.0	23.0	23.0	27.7	27.7	27.7	36.4	36.3	36.2	33.6	33.5	33.3	29.8	29.7	29.5	25.6	25.3	24.8	21.9	20.7	18.8	18.1	13.4	6.2	-12.6	-29.0	-52.9
NSR-3	23.2	23.2	23.2	28.0	28.0	27.9	36.6	36.5	36.4	33.7	33.6	33.4	29.9	29.7	29.5	25.5	25.1	24.5	21.4	19.9	17.6	16.1	10.5	2.0	-18.8	-38.1	-66.0
NSR-4	27.5	27.5	27.5	32.3	32.3	32.2	40.9	40.9	40.8	38.1	38.1	38.0	34.5	34.4	34.3	30.4	30.2	29.8	27.1	26.2	24.8	24.8	21.5	16.4	0.8	-10.6	-27.1

Appendix D  
Project Noise Contours



Data Source(s): Westwood (2024); NAIP (2021), Champaign County (2018), U.S. Census Bureau (2022).

0 600 Feet

**Westwood**  
Toll Free (888) 937-5150 westwoodps.com  
Westwood Professional Services, Inc.

**Legend**

- Project Boundary
- Receptor Location
- Array Solar Panels
- Inverter Pad
- Perimeter Fence

**Noise Contours [dB(A)]**

- 35
- 40
- 45
- 50
- 55

**Bonacci 1 & 2**  
Champaign County, Illinois

Project Noise Contours at 1.5 m

Map Document: N:\0045891\_031\_GIS\ArcPro\R0045891\_040\_NoiseContourExhibits\_20240209.aprx 2/12/2024 10:18 AM A.Mallory

**REVISED DRAFT 03/14/24**

**126-S-23**

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

---

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

Date: *{~~January 25, 2024~~ March 14, 2024}*

Petitioners: **FFP IL Community Solar, via agent Christian Schlesinger, with participating landowner Kathryn Bonacci**

Request: **Authorize a Community PV Solar Farm with a total nameplate capacity of ~~4.53.5~~ megawatts (MW), including access roads and wiring, in the AG-2 Zoning District, and including the following waivers of standard conditions:**

**Part A: A waiver for locating the PV Solar Farm 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.(a).**

**Part B: A waiver for locating the PV Solar Farm 45 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet, per Section 6.1.5 D.(3)a.**

**Part C: A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.**

**Other waivers may be necessary.**

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 25, 2024, and March 14, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. FFP IL Community Solar, LLC, a subsidiary of Forefront Power LLC, 100 Montgomery Street, Suite 725, San Francisco, CA, 94104, with Yumitake Furukawa (Deputy Chief Executive Officer, Chief Compliance Officer); Charlie Sohm (Chief Development Officer), Daniel Taylor (Chief Strategy Officer), Yohei Kishi (Chief Financial Officer) and Kristin Frooshani (Chief Legal Officer, Secretary); via agent Christian Schlesinger, and participating landowner Kathryn Bonacci, are the developers of the proposed PV Solar Farm.
2. The subject property is three tracts of land totaling 55.81 acres located in the Northeast Quarter of Section 27, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as farmland owned by Kathryn Bonacci in the southwest corner of the intersection of Windsor Road and IL 130 (High Cross Rd), Urbana.
  - A. The proposed 4.53.5 MW Bonacci Solar Site 1 would cover approximately 29.5422.49 acres on the east side of the tract.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is adjacent to the City of Urbana, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.
    - (1) The City of Urbana Comprehensive Plan calls for residential development in this area.
    - (2) In an email received January 9, 2024, Kevin Garcia with the City of Urbana stated the following:
      - a. Our current comprehensive plan, which was adopted in 2005, shows a potential extension of Stone Creek Boulevard to the south, across Windsor Road, which would run through the westernmost portion of Site 2;
      - b. We are currently writing a new comprehensive plan, which may include this same potential extension;
      - c. This area lacks sewer infrastructure; it would require a large investment for the site or surrounding area be developed in the future, so it is unlikely that any development would take place in the area south of Windsor and west of High Cross Road any time soon;
      - d. The decommissioning plan would return the sites to their pre-development condition, and would therefore accommodate future development. We therefore have no issue with plans to develop these sites as solar farms, and therefore waive our requirement that the County hold two meetings on these cases.”

**REVISED DRAFT 03/14/24****Case 126-S-23**  
**Page 3 of 62**

- B. The subject property is located within Urbana Township, which does not have a Planning Commission. Townships with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

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

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
- A. The 55.81-acre subject property is zoned AG-2 Agriculture and is currently in agricultural production.
- (1) The proposed PV SOLAR FARM would be located on approximately ~~29.8~~22.49 acres of the subject property.
- B. Land north of the subject property is within the City of Urbana. There is an Ameren electrical substation and vacant land to the north.
- (1) There are two residences located northwest of the subject property adjacent to A&E Animal Hospital.
- C. Land to the west, east, and south of the subject property is zoned AG-2 Agriculture and is in agricultural production.
- (1) There is a 6 MW PV SOLAR ARRAY under construction on the west side of the subject property which was approved in Case 080-S-22 (Donato).

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

5. Regarding the Site plan for the proposed Special Use received January 10, 2024:
- A. The Site Plan includes the following proposed features:
- (1) One ~~4.53.5~~-megawatt community PV SOLAR FARM site on approximately 29.54 acres; and
- (2) 7-foot tall perimeter fence with gated security entrance; and
- (3) One equipment pad; and
- (4) A gravel access road extending approximately 1,500 feet south from Windsor Road; and
- (5) The Point of Interconnection (POI) is proposed to connect to an existing power line and substation on Windsor Road; and
- (6) The nearest residence is approximately 262 feet from the solar farm fenced area; and
- (7) There is a separation of 100 feet between the PV SOLAR FARM perimeter fence and the street centerline of Windsor Road.

**B. The revised Site Plans received March 1, 2024 indicate the following changes:**

- (1) Site 1 (east side) has been reduced from 4.5 MW to 3.5 MW and therefore has a smaller footprint that is farther south on the site. This removes the need for waiver Part B for Case 126-S-23.

**REVISED DRAFT 03/14/24**

(2) A security gate will be installed close to Windsor Road and gates will also be installed at each fenced area at the access road entry points.

(3) A solid fence will be installed along the south project area.

C. The revised Screening Plans received March 1, 2024 indicate the following changes:

(1) Screening will be added along the entire east side of Site 1.

(2) Screening will be extended along the entire south side of Site 2.

(3) Screening on the south side will be in addition to the solid fence.

(4) A special condition has been added to require screening on the west side of Site 2 should residential development occur within 1,000 feet to the west of the subject property.

D. There are no previous Zoning Use Permits for the subject property.

E. There are no previous Zoning Cases for the subject property.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

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

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

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

(1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.

(2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
- b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
- c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.



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- (3) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
- (4) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
- (5) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (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) “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.
- (8) “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.
- (9) “LOT LINES” are the lines bounding a LOT.
- (10) “NON-ADAPTABLE STRUCTURE” is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE).
- (11) “NOXIOUS WEEDS” are any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.
- (12) “PHOTOVOLTAIC (PV)” is a type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.
- (13) “PV SOLAR FARM” is a unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and waterwells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.

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- (14) “PV SOLAR FARM, COMMUNITY” is a PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
- (15) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.
- (16) “PRIVATE WAIVER” is a written statement asserting that a landowner has agreed to waive a specific WIND FARM or PV SOLAR FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.
- (17) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (18) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (19) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (20) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (21) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (22) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (23) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.

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- (24) **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 5.2 only authorizes a “PV SOLAR FARM” in the AG-1 or AG-2 Zoning Districts and requires a Special Use Permit authorized by the County Board.
- D. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- E. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
  - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).
  - (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
  - (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
  - (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
  - (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.

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- (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
  - (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
  - (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
  - (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
  - (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.
  - (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
  - (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
  - (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
  - (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
  - (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
  - (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.
  - (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
  - (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
  - (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.
  - (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (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

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

- a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
  - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
  - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:

- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
  - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
  - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
  - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
  - 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

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“The proposed solar project is situated within a predominantly rural, agricultural area of Champaign County, IL. Allowing this property to be developed into a solar facility will provide 4.5 MWs of clean, renewable energy to the local electrical grid. In addition, this project will help generate additional income for the landowner, contribute to job creation stimulation through new investments in energy efficiency, renewables, and innovation, and also help preserve the State of Illinois’ low energy rates for residents and businesses within the County. The proposed Project would be situated on land that is adequately set back from surrounding residential areas. Because there are no significant traffic impacts associated with the construction and maintenance of the solar farm and no dangerous or hazardous chemicals contained within the PV modules, there are no anticipated effects to public health, safety, comfort, convenience, morals, or general welfare to the citizens of Urbana. Due to the location of the Project Area and relatively small size of the proposed solar project (4.5MW AC), traffic impacts are expected to be minimal. Once constructed, traffic conditions on site will be limited to approximately one utility vehicle per month accessing the site for maintenance purposes.”**
  - 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.

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8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The proposed Project would be situated on rural agricultural land, located away from public areas. The entire Project Premises will be contained within a six-foot tall chain link fence with a locked access gate in order to prevent trespassing. In addition, warning signage will be clearly posted at the ingress/egress point of the Project Premises and will contain emergency contact information and the 911 address. Furthermore, vegetation within the Project Premises will be regularly maintained to prevent any increase in fire hazard to the Project Premises and adjacent areas. Because there are no significant traffic impacts associated with the construction and maintenance of the solar farm and no dangerous or hazardous chemicals contained within the PV modules, there are no anticipated effects to public health, safety, comfort, convenience, morals, or general welfare to the citizens of the County. The existence of this solar Project is not expected to affect the value of land and buildings surrounding the Project Premises. According to the National Renewable Energy Laboratory, once constructed, solar projects require little maintenance and no on-site employees. FFP IL Community Solar, LLC intends on utilizing PV modules for this system which use a nonreflective glass and are designed to absorb light rather than reflect it, thus reducing glint and glare to adjacent roadways and residences. Furthermore, the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating current. This noise is generally not audible above ambient noise outside of the perimeter fence.”**
- B. Regarding surface drainage, the PV SOLAR FARM fenced area generally drains toward the east.
- C. Regarding traffic in the subject property area:
- (1) The proposed solar farm would have one access on East Windsor Road. Although the subject property also fronts High Cross Road/IL 130, there would be no access there.
  - (2) East Windsor Road is a five-lane urban arterial. High Cross Road/IL 130 is a three-lane urban arterial.
  - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. Windsor Road had an ADT of 6,150 and High Cross Road/IL 130 had an ADT of 6,000 near the subject property.
  - (4) No significant increase in traffic is expected except during construction of the PV SOLAR FARM.

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- (5) The City of Urbana, IDOT, and Urbana Township Highway Commissioners have been notified of this case.
- a. Urbana Township does not have maintenance jurisdiction over the adjacent roads.
  - b. In an email received January 9, 2024, Kevin Garcia with the City of Urbana said the City has no issue with plans to develop these sites as solar farms.
- (6) No information was received regarding a Roadway Upgrade and Maintenance Agreement or waiver therefrom from the City of Urbana. The Zoning Ordinance does not require an agreement with IDOT.
- D. Regarding fire protection:
- (1) The subject property is approximately 5.7 road miles from the Philo fire station.
  - (2) The petitioners sent the Site Plan to the Philo Fire Protection Chief via email on December 21, 2023. No response was received as of January 10, 2024.
  - (3) The Philo Fire Protection District was notified of this case and ~~no comments have been received~~in an email received January 23, 2024, Philo Fire Chief Keith Schafroth said “a Knox Box would be greatly appreciated for emergency access. I appreciate the clarification on the location watched the other one go up all summer. Glad to hear about safety measures to shut things down if something goes wrong are being built it.”
- E. No part of the subject property is located within a Special Flood Hazard Area.
- F. The subject property is considered Best Prime Farmland. The Natural Resource Information Report received November 28, 2023, states that the soil on the subject property consists of 152A Drummer silty clay loam, 171B Catlin silt Loam, 330A Peotone silty clay loam, and 663B Clare silt loam and has an average Land Evaluation score of 97.
- G. Regarding outdoor lighting on the subject property, the application received December 15, 2023, states “One motion-sensing security light will be installed at the entrance gate of the Project Premises. The security light will be shielded and downcast to minimize disturbance to the adjacent properties. The lighting will be designed and sited to avoid any light from spilling onto any adjacent property.” A special condition has been added to ensure compliance for any future outdoor lighting installation.
- H. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed PV SOLAR FARM.
- I. Regarding parking, there is no required parking for the proposed PV SOLAR FARM.
- J. Regarding public comments:
- (1) The following is a summary of emails received prior to the January 25, 2024 ZBA meeting:



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- a. In an email received January 24, 2024, Derek Liebert, Superintendent of Planning and Operations for the Urbana Park District, said the Urbana Park District would like to raise objections to the proposed solar farms. He said the adjacent property to the south was donated to the Urbana Parks Foundation for a park site, consistent with the City of Urbana 2005 Comprehensive Plan. He made eight requests of the solar farm developers should the solar project proceed:
- (a) Planting of tree screen on the south of the proposed solar array to the full extent of the future park site
  - (b) A berm that additional screens and attenuates noise from the solar array inverters.
  - (c) Ongoing annual monitoring of the noise to confirm compliance with maximum allowable noise regulations.
  - (d) Dark sky lighting with neighbor cutoff to control light trespass
  - (e) Notification of any site changes/addition of any buildings, above or below ground infrastructure
  - (f) No temporary buildings, storage of materials, equipment and/or stockpiling on site.
  - (g) No third-party uses/users or leasing of site
  - (h) Ongoing management of plantings for the control of invasive and noxious species.
- b. In an email received January 24, 2024, Kevin Garcia, Planner and Zoning Administrator for the City of Urbana, rescinded their waiver request to give the City and the Urbana Park District additional time to discuss the solar farm and proposed park.
- c. In an email received January 25, 2024, Ellen Kirsanoff, Urbana Parks Foundation Vice-President, said the Urbana Park District and Urbana Parks Foundation are not opposed to solar development. She said this solar development, being immediately adjacent to a new park land slated for development in the future, could have a very negative impact on the new park to come. The Urbana Parks Foundation is not in favor of this development due to its proximity to their future park site.
- d. In an email received January 24, 2024, Natalie and Robert Rodrigues, who live in Douglas Woods Subdivision, said they object to the request for two special use permits. They expressed concerns about visual impacts and being able to enjoy the surrounding rural area. They also support the development of the park south of the proposed solar farms and believe the solar farms would make the park not happen. They are concerned about impacts on natural areas and resources, water quality and drainage. They are also concerned about their property values. They want responsible solar power in the community that balances the demand for renewable energy with the interests of Champaign County and its residents.
- e. In an email received January 24, 2024, Rita Weisiger, who lives in Douglas Woods Subdivision, said they disapprove of installing a solar farm at this

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location. They expressed concern about impacts on the proposed park and on natural landscapes in the area.

- f. In an email received January 24, 2024, Richard Bodine, who lives in Douglas Woods Subdivision, said he opposes the proposed solar farm, referencing the reasons expressed by Natalie Rodrigues.
  - g. In an email received January 24, 2024, Sherry Hingtgen, who lives in Douglas Woods Subdivision, said she objects to the two special use permits for the proposed solar farms. She expressed concern about property values, contamination of their water wells, potential health concerns, drainage, visual impacts, and farmland protection.
  - h. In an email received January 24, 2024, Kelly Moss, who lives in Douglas Woods Subdivision, said they were against the proposed solar farm, especially with the proposed park. They feel they would be pushed to consider moving from Urbana if the solar farm is built. They noted the flooding issues a nearby solar project had along Windsor Road. They expressed concern for environmental impacts on wildlife in the area.
  - i. In an email received January 25, 2024, Carolyn and Ralph Trimble said the zoning provisions currently in place provide reasonable protection for the future park land now owned by the Urbana Parks Foundation. The waivers requested, if granted, would allow development of a solar project in the wrong place, highly detrimental to the future park. Solar projects can be good when they are properly placed. This proposal is not good because its placement is bad for the community as a whole. Please deny the requests for waivers for the proposed solar development.
  - j. In an email received January 25, 2024, Kathy Panski said she recently purchased land on the east side of IL 130 directly across from the proposed solar farm. She said they do not want an industrial development at this location and want to protect the natural state of the property. She also expressed support for development of the park.
  - k. In an email received January 25, 2024, Peter and Patricia Kale, who live in Douglas Woods Subdivision, said they object to the requests for the Special Use Permits. They said their land and the land around them is zoned for agriculture and single family homes, and a solar farm would be unsightly, would not benefit the community or surrounding environment. They also expressed concern about drainage and well water quality.
- (2) The following is a summary of testimony heard at the January 25, 2024 ZBA meeting:
- a. Mike McCormick, an attorney representing A&E Animal Hospital and the adjacent residential rental property located northwest of the proposed solar farms, said he and his clients welcome the opportunity to discuss their concerns. He said they have concerns about noise, and he hopes the

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equipment making noise is as far from neighboring residences as possible. He said it's important to them that they ensure noise levels now and in the future will be at acceptable levels. He asked about what hardship the developer might have in meeting the separation requirements to adjacent residential properties, since they did request a waiver. He expressed hope that if construction of the solar farm occurs, that construction will occur during reasonable hours, and that due diligence be done to protect infrastructure since the solar project to the west cut internet and phone service to his clients for days. He hopes that the petitioners will be willing to talk with adjacent landowners.

- b. Mike Walker, President of the Urbana Park District Board of Commissioners, said he is very interested in the project given the Urbana Parks Foundation has 29 acres just south of the property that they have planned to make a public park. He questioned putting a light industrial application adjacent to residential areas and the proposed park. He said the projects would impact future development by Urbana in that area. He said the screening plan appears inadequate. He asked the Board to decline this location and perhaps find a location that is farther away from the active municipality that is Urbana. He said the project would affect how people can access the park site.
- c. Lindsay Vahling, owner of A&E Animal Hospital and the adjacent residential rental property located northwest of the proposed solar farms, said she is concerned about her residential rental unit that is located next to the proposed project regarding noise, visual impacts, and her ability to charge reasonable rent. She wants to avoid the construction issues that have occurred with the solar project on the west side of her vet clinic by a different developer. She would like noise to be monitored periodically after construction.
- d. Natalie Rodrigues, resident of Douglas Woods Subdivision, said her main concern after living here and dealing with flooding in their own house is the water and the drainage. She is concerned about the mess construction has made at the solar project to the west of the vet clinic and doesn't want to see the same thing happen with this project. She is concerned about visual impacts, their property values, and the park, and wants to maintain the rural setting they have enjoyed.
- e. Nancy Delcomyn, who lives south of the proposed solar farms and along with her husband donated the land for the proposed park, said she is a 30-year Urbana Park District Commissioner. She had questions about the herbicides and maintaining of the vegetation under the panels. She thinks the developers are underestimating how difficult it is to maintain a relatively weed-free zone, especially with her 20-year battle with Canadian thistle. She mentioned concerns about the types of shrubs used in the vegetative screening. She is also concerned about the City of Urbana's ability to grow to the south with a solar farm located there. She is also

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concerned about the park, for which she and her husband donated the 29 acres to the south back in 2017. She said access to the proposed park would be difficult off of the busy IL 130, so they thought access would come from Windsor Road. She is also concerned about property values and tax implications. She said she does not like the precedent being set of allowing a reduced distance from neighboring properties. She said that the subject property has inadequate field tile, and it floods.

f. Fred Delcomyn, who lives south of the proposed solar farms and along with his wife donated the land for the proposed park, said he objects to this proposal for two particular reasons. He said first, authorizing the PV solar farm seems to him to subvert the prohibition on industrial development within one-half mile of a city boundary. He said a second reason for opposing this project is the strong negative impact it would have on the proposed park adjacent to it. He also said the proposed solar farm seems to go against the City of Urbana Comprehensive Plan and the Urbana Park District's plans for a park to the south were based on that Comprehensive Plan. He said he thinks that the idea of having residences next to the park is ideal. He said part of the idea for the proposed park is that residential development would be adjacent to the park, would blend in with the park, and the park would be actually an amenity that would help attract developers to develop this area. He asked that the Board reject the project.

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
  - A. The Petitioner has testified on the application, **“Solar is an approved use with a Special Use Permit under the County Zoning Ordinance. FFP IL Community Solar, LLC will comply with all ordinances, requirements, and regulations set forth by Champaign County and will obtain all required local and state permits.”**
  - 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.

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- (3) Requirements for what must be included in the area of the PV SOLAR FARM Special Use Permit are in subparagraph 6.1.5 B.(1).
- a. The revised Site Plan received March 1, 2024 appears to conform to this requirement.
- (4) Requirements which identify certain areas where a PV SOLAR FARM Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).
- a. Item 6.1.5 B.(2)a. requires a PV SOLAR FARM to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
- (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
- i. The subject property is adjacent to the City of Urbana, a municipality with zoning. The PV Solar Farm will be located within the CUGA. A waiver has been added.
- (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
- i. The petitioner sent an email to the City of Urbana on December 8, 2023 which included the Special Use Permit application.
- ii. In an email received January 9, 2024, Kevin Garcia with the City of Urbana said the City has no issue with plans to develop these sites as solar farms.
- (c) The public hearing for any proposed PV SOLAR FARM that is located within one and one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two Board meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.
- i. In an email received January 9, 2024, Kevin Garcia with the City of Urbana waived the required for the County to hold two meetings on Cases 126-S-23 and 127-S-23.
- ii. In an email received January 24, 2024, Kevin Garcia rescinded his previous statement so two ZBA meetings would be required to give further consideration for a proposed Urbana Park District park south of the subject property.

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- (d) 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. Notice of the January 25, 2024, ZBA public hearing was sent by P&Z Staff to the City of Urbana on January 10, 2024. City of Urbana staff were also notified of the receipt of the project application on December 20, 2023 by email.
  - ii. No resolution from the City of Urbana has been received as of March 6, 2024.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3):
- a. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
    - (a) The petitioner included an interconnection application with their Special Use Permit application received December 15, 2023.
    - (b) Matthew Vollbrecht sent a signed Interconnection Agreement for Site 1 in an email received January 23, 2024.
  - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR FARM prior to issuance of the Zoning Compliance Certificate.
- (6) Requirements regarding Right to Farm can be found in Subparagraph 6.1.5 B.(4): “The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.”
- A. A special condition has been added to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- a. Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

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- (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The revised Site Plan received March 1, 2024 shows the separations between the solar farm fence and adjacent buildings and uses.
  - b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
    - (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to be set back from the street centerline a minimum of 40 feet from a MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.
      - i. The revised Site Plan received March 1, 2024 demonstrates compliance with the 55 feet setback from the centerline of Windsor Road, which is a COLLECTOR STREET. It also demonstrates compliance with the 60 feet setback from the centerline of IL 130/High Cross Road, which is a MAJOR STREET.
      - ii. Public Act 102-1123 requires a distance of 50 feet from the PV SOLAR FARM fence to the nearest edge of a public road RIGHT-OF-WAY.
        - (i) The proposed distance complies with the Zoning Ordinance. The Zoning Ordinance is less restrictive than Public Act 102-1123 in this requirement and therefore the proposed distance is acceptable.
    - (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is no required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.
      - a. The subject properties meet minimum zoning lot requirements.
    - (c) Subparagraph 6.1.5 D.(3)a. states that for any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
      - i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
        - (i) There is an adjacent lot to the northwest that is 10 acres or less in lot area. There are adjacent lots on the north side of Windsor Road that are 10 acres or less in lot area. The revised Site Plan received March 1, 2024 ~~does not~~ demonstrates compliance with the 240 foot required separation between the PV SOLAR FARM

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fence and those property lines. ~~A waiver has been added.~~

- (ii) Public Act 102-1123 only requires a separation distance of 50 feet between the PV SOLAR FARM fence and the boundary lines of a NON-PARTICIPATING property. The revised Site Plan received March 1, 2024 demonstrates compliance with Public Act 102-1123.
- ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the BOARD.
    - (i) There are no lots that are 10 acres or less in lot area adjacent to the subject property that are bordered on more than two sides by the PV SOLAR FARM.
    - (ii) Public Act 102-1123 requires a separation distance of 50 feet between the PV SOLAR FARM fence and the boundary lines of a NON-PARTICIPATING property. The Zoning Ordinance is less restrictive than Public Act 102-1123 in this requirement and therefore the proposed distance is acceptable.
- (d) Subparagraph 6.1.5 D.(3)b. states that for any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
    - i. The perimeter fencing of the PV SOLAR FARM is at least 10 feet away from any SIDE or REAR LOT LINE of an adjacent LOT that is more than 10 acres in area.
    - ii. Public Act 102-1123 requires a separation distance of 50 feet between the PV SOLAR FARM fence and the boundary lines of a NON-PARTICIPATING property. The proposed distance complies with the Zoning Ordinance. The Zoning Ordinance is less restrictive than Public Act 102-1123 in this requirement and therefore the proposed distance is acceptable.
- (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.



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- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation.
- i. There is no AIRPORT or RESTRICTED LANDING AREA within 500 feet of the subject property.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- i. There are no new substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
- i. The inverters shown on the Site Plan received March 1, 2024 are at least 275 feet away from the PV SOLAR FARM perimeter fence.
  - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the Site Plan received March 1, 2024:
    - (i) The inverters are located toward the center of the subject property. The distance between an inverter and the closest dwelling is 825 feet.
  - iii. Public Act 102-1123 does not have a separation requirement for inverters.
- (i) Subparagraph 6.1.5 D.(7) states that separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the BOARD on a case-by-case basis.
- i. The application stated that the arrays will not exceed 12 feet in height at maximum tilt.

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- ii. Public Act 102-1123 states that solar equipment can extend up to 20 feet above ground. Should the ZBA decide that additional separations are needed due to height, it could create compliance issue with Public Act 102-1123.
  - (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 March 1, 2024, shows that there is at least 26 feet of separation between the property line of any lot more than 10 acres in area and the PV SOLAR FARM equipment other than fencing.
- (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 December 15, 2023, does not include any buildings.
  - b. Subparagraph 6.1.5 E.(2) establishes minimum requirements for electrical components.
    - (a) Part 6.1.5 E.(2)a. states that all electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
      - i. The petitioner stated in their application materials, “The Project’s facilities will be sited to comply with Champaign County setback requirements, where feasible, and will also comply with other local, state, and federal regulatory standards.”
    - (b) Part 6.1.5 E.(2)b. states that burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.
      - i. The petitioner did not mention the depth of burying power and communication wiring in their 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.

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- (a) The petitioner indicated that all above ground structures would be less than twelve feet tall except for the utility poles.
- d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (a) The petitioner stated in the Special Use Permit application, “Visible warning signs shall be posted at each ingress/egress point associated with the Project. The Project emergency contact information and 911 address will be clearly posted on all warning signage.”
- e. Subparagraph 6.1.5 E.(5) requires that no PV SOLAR FARM construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
- (a) Drainage districts have been notified of the proposed project.
    - i. In an email received January 9, 2024, Byron Balbach, Attorney for both drainage districts in the subject property area, stated “no drainage facilities of either district are located within Site 1 or Site 2...you may need to consider storm water detention if your drainage off your project will increase beyond normal agricultural drainage.”
  - (b) The subject property does not have a connection to public sewer or water.
  - (c) Champaign County Geographic Information Systems data does not show any gas or hazardous liquid lines on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- a. The subject property is considered Best Prime Farmland. The Natural Resource Information Report received November 28, 2023, states that the soil on the subject property consists of 152A Drummer silty clay loam, 171B Catlin silt Loam, 330A Peotone silty clay loam, and 663B Clare silt loam and has an average Land Evaluation score of 97.
  - b. The Applicant is required to sign an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per *505 ILCS 147/15(b)*. A special condition has been added to ensure compliance.
  - c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the petitioner stated in their application materials received December 15, 2023, “The proposed Project may follow practices that: (1) provide native perennial vegetation and foraging habitat, which is beneficial to game birds, songbirds, and pollinators; and (2) reduce stormwater runoff

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and erosion at the solar site. To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the Project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.”

- (a) A revised Vegetation Establishment and Management Plan was received on March 1, 2024.
- d. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
- (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that establishes the cable depths to be used.
- e. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
- (a) The petitioner provided a preliminary potential drain tile map.
  - (b) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that establishes rerouting and permanent repair of agricultural drainage tiles.
  - (c) In an email received January 9, 2024, Byron Balbach, Attorney for both drainage districts in the subject property area, stated “no drainage facilities of either district are located within Site 1 or Site 2...you may need to consider storm water detention if your drainage off your project will increase beyond normal agricultural drainage.”
- f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
- (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that states, “Consultation with the appropriate County SWCD by the Facility Owner shall be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of the Facility. Those conservation practices shall be restored to their preconstruction condition as close as reasonably practicable following Deconstruction in accordance with USDA NRCS technical standards. All repair costs shall be the responsibility of the Facility Owner.”
- g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.

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- (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that details how topsoil is to be handled.
  - h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
    - (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that details how the facility owner must mitigate compaction and rutting.
  - i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
    - (a) The petitioner did not provide a response in the application materials.
  - j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
    - (a) The Special Use Permit application received December 15, 2023 states, “A detailed Erosion Control Plan will be completed and submitted as a portion of the Building Permit for the site.”
  - k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
    - (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that details how topsoil will be handled.
  - l. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
    - (a) A revised Vegetation Establishment and Management Plan was received on March 1, 2024.
- (11) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- a. Paragraph 6.1.5 G.(1) requires the Applicant to enter into a signed Roadway Upgrade and Maintenance agreement approved by the County Engineer and State’s Attorney and/or any relevant Township Highway Commissioner prior to the close of the public hearing for the use of public streets, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.
    - (a) The petitioner did not provide information on a Roadway Upgrade and Maintenance Agreement in their application. A waiver has been added to request this at a later time, and a special condition has been added to ensure compliance.
  - 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

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Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality.

- (a) The petitioner did not provide information regarding a Transportation Impact Analysis in their application. A special condition has been added to ensure compliance.
  - c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway Use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
    - (a) No information was required or submitted for the Special Use Permit application.
- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- a. The subject property is approximately 5.7 road miles from the Philo fire station.
  - b. The petitioners sent the Site Plan to the Philo Fire Protection District on December 20, 2023. ~~and no comments have been received as of January 10, 2024.~~ In an email received January 23, 2024, Philo Fire Chief Keith Schafroth said "a Knox Box would be greatly appreciated for emergency access. I appreciate the clarification on the location watched the other one go up all summer. Glad to hear about safety measures to shut things down if something goes wrong are being built it."
  - c. The Philo Fire Protection District was notified of this case. ~~and no comments have been received.~~
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
    - (a) The petitioner stated in their application, "Noise levels will be in compliance with the Illinois Pollution Control Board regulations."
    - (b) A noise study received on February 16, 2024 demonstrated through modeling that the proposed solar farm would be compliant with IPCB regulations.
    - (c) The petitioners have agreed to install a solid fence along the south edge of the solar farm area to help mitigate noise for the proposed park to the south, in addition to vegetative screening that should also help mitigate noise concerns.

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- b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
- (a) The project size is considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is not required unless the ZBA requires one.
- (b) A noise study received on February 16, 2024 demonstrated through modeling that the proposed solar farm would be compliant with IPCB regulations.**
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
- a. The petitioner stated in their application, “Westwood conducted an IPaC coordination with the U.S. Fish and Wildlife Service (USFWS) (2023). The results of the effort identified six federally endangered, threatened, proposed, candidate, or Non-essential Experimental Population (NEP) species as potentially occurring within the Project Area or surrounding region.”
- b. The petitioner stated in their application, “On September 27, 2023, Westwood submitted an EcoCAT (IDNR 2023d) request to the Illinois Department of Natural Resources (IDNR) for information regarding state-listed threatened or endangered species (Appendix E). The request (IDNR #2405178) identified no records of state-listed threatened or endangered species within the Project Area and surrounding vicinity.”
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
- a. The petitioner stated in their application, “As a preliminary review of cultural resources in the Project Area, Westwood examined the Illinois Inventory of Archaeological Sites (IIAS) and the Historic and Architectural Resources Geographic Information System (HARGIS) maintained by the Illinois SHPO. An initial inventory of archaeological sites and historic structures was compiled. Previous surveys were also examined for insight into the cultural resource potential of the Project Area. Additionally, the National Register of Historic Places (NRHP) database was reviewed. The Project Area was examined, as well as a ¼-mile buffer. No previously recorded cultural resources are present in the Project Area or the ¼-mile buffer based on the review of available data in the IIAS and HARGIS. No NRHP listed properties or historic districts are present within the Project Area or the ¼-mile buffer. No previous cultural resources survey has been conducted within the Project Area.”
- b. The petitioner did not provide a copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources. A special condition has been added to ensure compliance.

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- (16) Paragraph 6.1.5 L. states: “The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.”
- a. The petitioner did not explain mitigating impacts to wildlife in their 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) The petitioner stated in their application, “The entire Project Premises will be surrounded by a seven-foot-tall standard chain-link fence.”
    - (b) The petitioner stated in their application, “The Project will include a visible and lockable manual safety switch, which will be made accessible to first responders, the utility, and maintenance personnel via gate lockbox, code, or other method to be defined prior to construction.”
    - (c) The petitioner stated in their application, “To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the Project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.”
      - i. A revised Vegetation Establishment and Management Plan was received on March 1, 2024, which includes information on control of noxious weeds.
  - b. Subparagraph 6.1.5 M.(2) requires a visual screen around the perimeter of the PV SOLAR FARM.
    - (a) Subparagraph 6.1.5 M.(2)a.(a) requires that a visual screen be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT.
      - i. The petitioner stated in their application, “Any part of the facility within 1,000 feet of any Non-Participating residence or Road right-of-way not screened by existing vegetation will be screened by a native scrub screening as shown in Exhibit 5.”
      - ii. There are NON-PARTICIPATING residences within 1,000 feet to the northwest, northeast, and southeast, with the closest being 400 feet to the south.
        - (i) The revised Screening Plan received March 1, 2024 indicates screening on the northwest, northeast, and south.



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(ii) A special condition has been added that the petitioners shall install screening on the west side should residential development occur to the west.

- (18) Paragraph 6.1.5 N. contains standard conditions to minimize glare from the PV SOLAR FARM. Subparagraph 6.1.5 N.(1) requires that the design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
- a. The petitioner stated in the application, “The project will utilize Yaskawa Solectria XGI 1500-250/250-600 photovoltaic modules, which are constructed of anti-reflective coated tempered glass. In addition, the facility will be sited strategically to avoid glint and glare reflection towards adjacent roadways and surrounding areas.”
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. The petitioner did not provide insurance information in their 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 did not provide information in their application.
- 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 Special Use Permit application received December 15, 2023 states, “the Project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.
- i. A revised Vegetation Establishment and Management Plan was received on March 1, 2024 which includes information on control of noxious weeds.
- (b) The Agricultural Impact Mitigation Agreement received with the application on December 15, 2023 contains information on weed control.

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- (c) A special condition has been added to ensure compliance.
- c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:
    - (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
      - i. The petitioner included a signed Decommissioning and Site Reclamation Plan with their application received December 15, 2023.
      - ii. A revised DSRP was received on January 5, 2024.
    - (b) Subparagraph 6.1.1 A.2. of the Ordinance requires that the decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any operator and/or owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
      - i. The petitioner's Decommissioning and Site Reclamation Plan received January 5, 2024 states, "The Decommissioning Security will be in the form of an irrevocable letter of credit and an escrow account with the Champaign County Board as a beneficiary per Section 6.1.5 Q(4) of the Solar Ordinance. The County has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits, and the Applicant, its successors in interests, and all parties to decommissioning shall adjust the amount of financial assurance in escrow to ensure that it reflects current and accurate information."

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- (c) Subparagraph 6.1.1 A.3. of the Ordinance requires that separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer and are subject to approval of the BOARD.
    - i. The petitioner included cost estimates prepared by an Illinois Licensed Professional Engineer with their Decommissioning and Site Reclamation Plan received January 5, 2024.
  - (d) Subparagraph 6.1.1 A.4.d. of the Ordinance requires the Decommissioning and Site Reclamation Plan to provide for provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
    - i. The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to a Letter of Credit.
  - (e) Subparagraph 6.1.1 A.5. of the Ordinance requires submission of an irrevocable letter of credit in the amount of 150% of the cost estimate required by 6.1.1 A.3 prior to issuance of a Zoning Use Permit.
    - i. No specifics were required or submitted regarding the Letter of Credit.
  - (f) Subparagraph 6.1.1 A.6. of the Ordinance establishes a time period prior to the expiration of the irrevocable letter of credit during which the Zoning Administrator shall contact the landowner regarding the intent to renew the letter of credit and the landowner shall reply within a certain amount of time.
    - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
  - (g) Subparagraph 6.1.1 A.7. of the Ordinance establishes 5 factors to be considered in determining if a NON-ADAPTABLE structure (PV SOLAR FARM in this instance) is abandoned in place and 6.1.1 A.9. of the Ordinance establishes 7 conditions when the Zoning Administrator may draw upon the letter of credit and jointly these 12 circumstances comprise when the Zoning Administrator may draw upon the letter of credit.
    - i. The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to these items.
  - (h) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, the decommissioning and site reclamation plan shall also include provisions for anticipated repairs

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to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.

- (a) The Decommissioning and Site Reclamation Plan received January 5, 2024 includes removal of access roads should the landowner require and includes provisions for repairing public streets.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
    - (a) The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to 6.1.5 Q.(3).
  - d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance. Regarding compliance with this subparagraph:
    - (a) The Letter of Credit must be supplied prior to receiving a Zoning Use Permit.
  - e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
    - (a) The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to 6.1.5 Q.(5).
  - f. Subparagraph 6.1.5 Q.(6) of the Ordinance states that the Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
    - (a) The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to 6.1.5 Q.(6).
  - g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
    - (a) A special condition has been added to ensure compliance.
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- a. The petitioner stated in the application, “An Agricultural Impact Mitigation Agreement (Appendix F) has been signed by the applicant and has been submitted to the Illinois Department of Agriculture for signatures.”

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- b. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.
- a. A special condition has been added to ensure compliance.
- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
    - (a) A Project Description was included with the application received December 15, 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 December 15, 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 March 1, 2024, appears to demonstrate compliance with this requirement.
    - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 B.(1).

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- i. The revised Site Plan received March 1, 2024, appears to demonstrate compliance with this requirement.
  - (c) The location of all below-ground wiring.
    - i. The revised Site Plan received March 1, 2024, appears to demonstrate compliance with this requirement.
  - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
    - i. The revised Site Plan received March 1, 2024, appears to demonstrate compliance with this requirement.
  - (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM County Board SPECIAL USE Permit. PV SOLAR FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.
    - i. The revised Site Plan received March 1, 2024, appears to demonstrate compliance with this requirement.
- d. Subparagraph 6.1.5 U.(1)d. requires submittal of all other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
  - (a) Compliance with this subparagraph has been shown in previous sections of this Summary of Evidence.
- e. Subparagraph 6.1.5 U.(1)e. requires that the PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM as required by Section 6.1.5 B.(2)a.(b).
  - (a) The Petitioner emailed a copy of the Special Use Permit application to the City of Urbana on December 8, 2023.
- f. Subparagraph 6.1.5 U.(1)f. requires that a municipal resolution regarding the PV SOLAR FARM by any municipality located within one-and-one-half miles of the PV SOLAR FARM must be submitted to the ZONING ADMINISTRATOR prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-

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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) Notice of the January 25, 2023 public hearing was sent by P&Z Staff to the City of Urbana on January 10, 2024. City of Urbana staff were also notified of the receipt of the project application on December 20, 2023 by email.
  - (b) No resolution from the City of Urbana has been received as of March 6, 2024.
- g. Subparagraph 6.1.5 U.(1)g. requires that documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM as required by Section 6.1.5 B.(3)b.
- (a) The petitioner included an application for an interconnection agreement with their Special Use Permit application received December 15, 2023.
  - (b) Matthew Vollbrecht sent a signed Interconnection Agreement for Site 1 in an email received January 23, 2024.
  - (c) A special condition has been added to ensure compliance.
- h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.
- (a) A noise study was received on February 16, 2024.
  - (b) An email received on March 1, 2024 included revised Site Plans, revised Vegetative Screening Plans, and revised Vegetation Establishment and Management Plans.
- i. Subparagraph 6.1.5 U.(2) requires that the Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction.
- (a) A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.

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- (2) Regarding the SWMEC requirement to protect agricultural field tile, see the review of compliance with paragraph 6.1.5 F. that contains standard conditions to mitigate damage to farmland.
- D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject property is located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in City of Urbana's 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 District:
  - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-2 Agriculture District because it is only authorized in the AG-1 and AG-2 Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. A PV SOLAR FARM may be authorized by the County Board in the AG-1 or AG-2 Agriculture Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
    - (1) A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to the following findings:
      - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
      - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - B. See Section 15 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the *Zoning Ordinance*:
    - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):



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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 districts provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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

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

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

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- (6) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- a. The requested Special Use Permit is not in a Special Flood Hazard Area.
  - b. The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
- (7) Paragraph 2.0(e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- c. A summary of public comments can be found under Item 8.J. of this Summary of Evidence.

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

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

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

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

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

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

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

The subject property is located in the AG-2 Agriculture District and the proposed project is not an urban USE.

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

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

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

The subject property is located in the AG-2 Agriculture District and does not require additional public utilities or transportation facilities.

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

The subject property is located in the AG-2 Agriculture District and a PV SOLAR FARM is typically located in a rural setting.

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

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

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

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

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

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

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

- (1) The City of Urbana is aware of the proposed project and in an email received January 9, 2024 from Kevin Garcia, they stated they have no issue with plans to develop these sites as solar farms.

~~(2) No new comments have been received from the City of Urbana as of March 6, 2024.~~

~~B. Regarding Part B of the proposed waivers, for locating the PV Solar Farm 45 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet:~~

- ~~(1) The adjacent lot less than 10 acres is on the north side of Windsor Road and is vacant.~~

B. Regarding Part B of the proposed waivers, for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board:

- (1) The petitioner is working with relevant jurisdictions to receive either an agreement or a waiver from this requirement.
- (2) A special condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit.

***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 Farm less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality, the PV SOLAR FARM could not be located on the subject property.

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~~B. Without Part B of the proposed waivers for locating the PV Solar Farm 45 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet; the northernmost part of the PV SOLAR FARM would have to be moved south 195 feet, which could affect the feasibility of the project.~~

B. Without Part B of the proposed waivers for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of 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 these documents.

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

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. Regarding Part A of the proposed waivers for locating the PV Solar Farm less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:
- (1) The petitioners were made aware of this separation requirement when they applied for the Special Use Permit.
- ~~B. Regarding Part B of the proposed waivers, for locating the PV Solar Farm 45 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet:~~
- ~~(1) The petitioners were made aware of this requirement when they applied for the Special Use Permit.~~
- B. Regarding Part B of the proposed waivers, for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board:
- (1) The petitioner is working with relevant jurisdictions to receive either an agreement or a waiver from this requirement.

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

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- A. Regarding Part A of the proposed waivers, for locating the PV Solar Farm less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality, the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
- ~~B. Regarding Part B of the proposed waivers, for locating the PV Solar Farm 45 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet; the requested waiver (variance) is 19% of the minimum required, for a variance of 81%.~~

- B.** Regarding Part **B** of the proposed waivers, entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

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

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. City of Urbana, IDOT, and Urbana Township have been notified of this case.
- (1) In an email received January 9, 2024, Kevin Garcia with the City of Urbana said the City has no issue with plans to develop these sites as solar farms.
- B. The Philo Fire Protection District has been notified of this case, and no comments have been received regarding the proposed waiver.
- C. Drainage Districts have been notified of this case. The attorney for both Drainage Districts said there are no District tiles located onsite.
- D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers. Several concerns have been noted by the Urbana Park District and neighbors.

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

17. Regarding proposed special conditions of approval:
- A. **The approved site plan consists of the following documents:**
- **Site Plan received March 1, 2024.**
  - **Screening Plans received March 1, 2024.**
- 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.**

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

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

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

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

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

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

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

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

- F. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the City of Urbana and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

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

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

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

1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**

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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 from Case 126-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
9. **A copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources.**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

**That drainage district tiles are protected.**

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- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

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

- N. **Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the west or south sides of the PV SOLAR FARM, the owner of the PV SOLAR FARM will establish vegetative screening on the west side 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.**

- O. **Underground drainage tile shall be investigated and identified as follows:**

- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
- 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
- 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
- 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
- 5. Any tile found shall be protected from disturbance.**
- 6. All mutual drain tiles shall be protected from construction disturbance and a 40-foot wide no construction area shall be centered on all mutual drain tiles.**
- 7. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

**The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.**

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1. Special Use Permit Application received December 15, 2023, with attachments:
  - A Site Plan
  - B Supplemental Application Information, including:
    - Project Description
    - Decommissioning and Site Reclamation Plan
    - Agricultural Impact Mitigation Agreement
    - Interconnection application
    - Exhibit 1: Project location and USGS topography
    - Exhibit 2: Water resources
    - Exhibit 3: Scenic and Conservation Areas
    - Exhibit 4: Drain Tile Location Map
    - Exhibit 5: Setbacks and Parcels
2. Natural Resource Report by the Champaign County Soil and Water Conservation District received November 28, 2023
3. Revised Site Plan received December 20, 2023
4. Email from Matthew Vollbrecht received January 5, 2024, with attachments:
  - Revised Screening Plan
  - Revised Decommissioning and Site Reclamation Plan received January 5, 2024
5. Email from Matthew Vollbrecht received January 9, 2024, with attachment:
  - Drainage District tile locations provided by Byron Balbach, Attorney for Silver Creek Drainage District and Drainage District #3 of the Town of St. Joseph
6. Email from Kevin Garcia, City of Urbana, received January 9, 2024
7. Email from Matthew Vollbrecht received January 9, 2024, with attachments:
  - Revised Site Plan
  - Vegetation Establishment and Management Plan
8. Preliminary Memorandum dated January 17, 2024, with attachments:
  - A Case Maps (Location Map, Land Use, and Zoning)
  - B1 Revised Site Plan Site 1 received January 10, 2024
  - B2 Revised Site Plan Site 2 received January 10, 2024
  - C Project Description received December 15, 2023
  - D Exhibits from Special Use Permit application received December 15, 2023
  - E Agricultural Impact Mitigation Agreement received December 15, 2023
  - F Interconnection application received December 15, 2023
  - G Inverter spec sheet downloaded December 20, 2023
  - H Solar Module spec sheet downloaded December 20, 2023
  - I1 Decommissioning and Site Reclamation Plan for Site 1 received January 5, 2024
  - I2 Decommissioning and Site Reclamation Plan for Site 2 received January 5, 2024
  - J Vegetation Establishment and Management Plan received January 10, 2024
  - K Email from Matthew Vollbrecht received January 9, 2024, with attachment:
    - Drainage District tile locations provided by Byron Balbach, Attorney for Silver Creek Drainage District and Drainage District #3 of the Town of St. Joseph

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- L Email from Kevin Garcia, City of Urbana, received January 9, 2024
- M Natural Resource Report by the Champaign County Soil and Water Conservation District received November 28, 2023
- N Site visit images taken January 3, 2024
- O Case 126-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated January 25, 2024
- P Case 127-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated January 25, 2024

- 9. Email from Matthew Vollbrecht regarding Philo Fire Department comments received January 22, 2024
- 10. Email from Matthew Vollbrecht received January 23, 2024, with attachment:
  - Interconnection Agreement with Ameren for Bonacci Site 1
- 11. Email from Derek Liebert, Urbana Park District, received January 23, 2024
- 12. Email from Kevin Garcia, City of Urbana, received January 24, 2024
- 13. Handout of public comments distributed at January 25, 2024 ZBA meeting:
  - Email from Ellen Kirsanoff, Urbana Parks Foundation Vice-President, received January 25, 2024
  - Email from Kevin Garcia, City of Urbana, received January 24, 2024
  - Email from Derek Liebert, Urbana Park District, received January 24, 2024
  - Email from Peter and Patricia Kale received January 25, 2024
  - Email from Kathy Panski received January 25, 2024
  - Email from Carolyn and Ralph Trimble received January 25, 2024
  - Email from Kelly Moss received January 24, 2024
  - Email from Sherry Hingtgen received January 24, 2024
  - Email from Richard Bodine received January 24, 2024
  - Email from Rita Weisiger received January 24, 2024
  - Email from Natalie Rodrigues received January 24, 2024
- 14. Supplemental Memorandum #1 dated March 6, 2024, with attachments:
  - A Legal advertisement
  - B Revised Site Plan Site 1 received March 1, 2024
  - C Revised Site Plan Site 2 received March 1, 2024
  - D Revised Vegetative Screening Plan Site 1 received March 1, 2024
  - E Revised Vegetative Screening Plan Site 2 received March 1, 2024
  - F Memorandum from petitioners responding to public comments received March 1, 2024
  - G Revised Vegetation Establishment and Management Plan for Site 1 (*Site 2 not included because it is essentially the same*)
  - H Noise Study received February 16, 2024
  - I Revised Case 126-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated March 14, 2024
  - J Revised Case 127-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated March 14, 2024

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From the documents of record and the testimony and exhibits received at the public hearing for zoning case **126-S-23** held on **January 25, 2024, and March 14, 2024**, 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.
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *The subject property is approximately 5.7 miles from the Philo fire station.*
    - b. *The Philo Fire Protection District was notified of this case and ~~no comments have been received~~ their only request was to have a Knox Box.*
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:
    - a. *The proposed project is surrounded by land in agricultural production to the west, east, and south and by a substation and vacant parcel that are within the City of Urbana to the north.*
    - b. *The nearest residence is about ~~262~~ 400 feet from the PV SOLAR FARM fenced area.*
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *No part of the subject property is in the Special Flood Hazard Area.*
    - b. *The proposed project must comply with the Storm Water Management and Erosion Control Ordinance.*
  - e. Public safety will be *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *Relevant jurisdictions were notified of this case, and no comments have been received.*
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *No parking is required for a PV SOLAR FARM.*
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
    - a. *The site is reasonably well-suited in all respects and has no major defects.*

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

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- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. *The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.*
  - b. *Relevant jurisdictions have been notified of this case. The City of Urbana stated they have no issue with plans to develop these sites as solar farms.*
  - c. *Neighboring landowners have been notified of this case, and ~~no~~ comments have been received some expressed concerns about noise, visual impacts, property values, the proposed park to the south, and the ability of the City of Urbana to grow to the south.*
  - d. *The Urbana Park District and Urbana Parks Foundation, owner of 29 acres to the south that they plan to develop as a park, expressed concerns about sufficient vegetative screening, noise, and how the proposed project goes against the City of Urbana Comprehensive Plan upon which the Urbana Park District was basing their proposed park location.*
- (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 City of Urbana is aware of the proposed project and in an email received January 9, 2024 from Kevin Garcia, they stated they have no issue with plans to develop these sites as solar farms.*
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
- a. *Without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.*
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
- a. *The petitioners were made aware of this separation requirement when they applied for the Special Use Permit.*
- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- a. *Without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.*

~~B. Regarding Part B of the proposed waivers, for locating the PV Solar Farm 45 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet:~~

- ~~(1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:~~
- ~~a. *The requested waiver (variance) is 19% of the minimum required, for a variance of 81%.*~~

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- ~~*b. Relevant jurisdictions have been notified of this case, and no comments have been received.*~~
- ~~(2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:~~
- ~~*a. The adjacent lot less than 10 acres is on the north side of Windsor Road and is vacant.*~~
- ~~(3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:~~
- ~~*a. The northernmost part of the PV SOLAR FARM would have to be moved south 195 feet, which could affect the feasibility of the project.*~~
- ~~(4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:~~
- ~~*a. The petitioners were made aware of this requirement when they applied for the Special Use Permit.*~~
- ~~(5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:~~
- ~~*a. The northernmost part of the PV SOLAR FARM would have to be moved south 195 feet, which could affect the feasibility of the project.*~~
- B.** Regarding Part **B** of the proposed waivers, for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board:
- (1) The waiver *{IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.*
- b. A special condition has been added requiring this information prior to approval of a Zoning Use Permit.*
- (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
- a. The petitioner is working with relevant jurisdictions to receive either an agreement or a waiver from this requirement.*
- b. A special condition has been added requiring this information prior to approval of a Zoning Use Permit.*
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:



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- a. *Without the proposed waiver, the Special Use Permit process might have to be extended in order to have sufficient time to prepare this document.*
- (4) The special conditions, circumstances, hardships, or practical difficulties {*DO / DO NOT*} result from actions of the applicant because:
  - a. *The petitioner is working to receive either an agreement or a waiver from relevant jurisdictions.*
- (5) The requested waiver {*SUBJECT TO THE PROPOSED SPECIAL CONDITION*} {*IS / IS NOT*} the minimum variation that will make possible the reasonable use of the land/structure because:
  - a. *Roadway agreements take time to establish and that timeframe is not entirely in the control of the petitioner.*

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

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

- **Site Plan received March 1, 2024.**
- **Screening Plans received March 1, 2024.**

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.**

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

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

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

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

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

- F. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the City of Urbana and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

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

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

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

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

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

- 7. The telephone number for the complaint hotline required by 6.1.5 S.**
- 8. Any updates to the approved Site Plan from Case 126-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
- 9. A copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**That drainage district tiles are protected.**

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

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

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- N. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the west or south sides of the PV SOLAR FARM, the owner of the PV SOLAR FARM will establish vegetative screening on the west side 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.**

- O. Underground drainage tile shall be investigated and identified as follows:**

- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
- 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
- 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
- 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
- 5. Any tile found shall be protected from disturbance.**
- 6. All mutual drain tiles shall be protected from construction disturbance and a 40-foot wide no construction area shall be centered on all mutual drain tiles.**
- 7. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

**The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.**

**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 **126-S-23** is hereby {**GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED**} to the applicant, **FFP IL Community Solar**, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning District:

**Authorize a Community PV Solar Farm with a total nameplate capacity of 4.53.5 megawatts (MW), including access roads and wiring, and**

***{SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:}***

**Part A: A waiver for locating the PV Solar Farm 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.(a).**

**~~Part B: A waiver for locating the PV Solar Farm 45 feet from an adjacent lot that is 10 acres or less in area in lieu of the minimum required 240 feet, per Section 6.1.5 D.(3)a.~~**

**Part ~~B~~: A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.**

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

- A. The approved site plan consists of the following documents:
  - Site Plan received **March 1, 2024.**
  - **Screening Plans received March 1, 2024.**
- 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 signed Decommissioning and Site Reclamation Plan that has been approved by the Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.**
- F. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the City of Urbana and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**
- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
  2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
  3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
  4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
  5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
  6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
  7. **The telephone number for the complaint hotline required by 6.1.5 S.**
  8. **Any updates to the approved Site Plan from Case 126-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
  9. **A copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources.**

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



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- L. **A 5 feet deep open trench shall extend for 30 feet on either side of any Drainage District drainageway that is crossed with underground wiring and the relevant Drainage District shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**
- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**
- N. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the west or south sides of the PV SOLAR FARM, the owner of the PV SOLAR FARM will establish vegetative screening on the west side per Section 6.1.5 M.(2) of the Zoning Ordinance.**
- O. Underground drainage tile shall be investigated and identified as follows:**
- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
  - 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
  - 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
  - 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
  - 5. Any tile found shall be protected from disturbance.**
  - 6. All mutual drain tiles shall be protected from construction disturbance and a 40-foot wide no construction area shall be centered on all mutual drain tiles.**
  - 7. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

SIGNED:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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

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

Date: *{~~January 25, 2024~~ March 14, 2024}*

Petitioners: **FFP IL Community Solar, via agent Christian Schlesinger, with participating landowner Kathryn Bonacci**

Request: **Authorize a Community PV Solar Farm with a total nameplate capacity of 2.5 megawatts (MW), including access roads and wiring, in the AG-2 Zoning District, and including the following waivers of standard conditions:**

**Part A: A waiver for locating the PV Solar Farm 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.(a).**

**Part B: A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.**

**Other waivers may be necessary.**

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 25, 2024, and March 14, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. FFP IL Community Solar, LLC, a subsidiary of Forefront Power LLC, 100 Montgomery Street, Suite 725, San Francisco, CA, 94104, with Yumitake Furukawa (Deputy Chief Executive Officer, Chief Compliance Officer); Charlie Sohm (Chief Development Officer), Daniel Taylor (Chief Strategy Officer), Yohei Kishi (Chief Financial Officer) and Kristin Frooshani (Chief Legal Officer, Secretary); via agent Christian Schlesinger, and participating landowner Kathryn Bonacci, are the developers of the proposed PV Solar Farm.
2. The subject property is three tracts of land totaling 55.81 acres located in the Northeast Quarter of Section 27, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, and commonly known as farmland owned by Kathryn Bonacci in the southwest corner of the intersection of Windsor Road and IL 130 (High Cross Rd), Urbana.
  - A. The proposed 2.5 MW Bonacci Solar Site 2 would cover approximately 15.96 acres on the west side of the tract.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is adjacent to the City of Urbana, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.
    - (1) The City of Urbana Comprehensive Plan calls for residential development in this area.
    - (2) In an email received January 9, 2024, Kevin Garcia with the City of Urbana stated the following:
      - a. Our current comprehensive plan, which was adopted in 2005, shows a potential extension of Stone Creek Boulevard to the south, across Windsor Road, which would run through the westernmost portion of Site 2;
      - b. We are currently writing a new comprehensive plan, which may include this same potential extension;
      - c. This area lacks sewer infrastructure; it would require a large investment for the site or surrounding area be developed in the future, so it is unlikely that any development would take place in the area south of Windsor and west of High Cross Road any time soon;
      - d. The decommissioning plan would return the sites to their pre-development condition, and would therefore accommodate future development. We therefore have no issue with plans to develop these sites as solar farms, and therefore waive our requirement that the County hold two meetings on these cases.”

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- B. The subject property is located within Urbana Township, which does not have a Planning Commission. Townships with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

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

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
- A. The 55.81-acre subject property is zoned AG-2 Agriculture and is currently in agricultural production.
- (1) The proposed PV SOLAR FARM would be located on approximately 15.96 acres of the subject property.
- B. Land north of the subject property is within the City of Urbana. There is an Ameren electrical substation and vacant land to the north.
- (1) There are two residences located northwest of the subject property adjacent to A&E Animal Hospital.
- C. Land to the west, east, and south of the subject property is zoned AG-2 Agriculture and is in agricultural production.
- (1) There is a 6 MW PV SOLAR ARRAY under construction on the west side of the subject property which was approved in Case 080-S-22 (Donato).

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

5. Regarding the Site plan for the proposed Special Use received January 10, 2024:
- A. The Site Plan includes the following proposed features:
- (1) One 2.5-megawatt community PV SOLAR FARM site on approximately 15.96 acres; and
- (2) 7-foot tall perimeter fence with gated security entrance; and
- (3) One equipment pad; and
- (4) A gravel access road extending approximately 1,000 feet south and then 600 feet west from Windsor Road; and
- (5) The Point of Interconnection (POI) is proposed to connect to an existing power line and substation on Windsor Road; and
- (6) The nearest residence is approximately 940 feet from the solar farm fenced area; and
- (7) There is a separation of 1,100 feet between the PV SOLAR FARM perimeter fence and the street centerline of Windsor Road.
- B. The revised Site Plans received March 1, 2024 indicate the following changes:**
- (1) Site 1 (east side) has been reduced from 4.5 MW to 3.5 MW and therefore has a smaller footprint that is farther south on the site. This removes the need for waiver Part B for Case 126-S-23.**

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(2) A security gate will be installed close to Windsor Road and gates will also be installed at each fenced area at the access road entry points.

(3) A solid fence will be installed along the south project area.

C. The revised Screening Plans received March 1, 2024 indicate the following changes:

(1) Screening will be added along the entire east side of Site 1.

(2) Screening will be extended along the entire south side of Site 2.

(3) Screening on the south side will be in addition to the solid fence.

(4) A special condition has been added to require screening on the west side of Site 2 should residential development occur within 1,000 feet to the west of the subject property.

D. There are no previous Zoning Use Permits for the subject property.

E. There are no previous Zoning Cases for the subject property.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

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

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

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

(1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.

(2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
- b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
- c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.

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- (3) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
- (4) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
- (5) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (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) “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.
- (8) “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.
- (9) “LOT LINES” are the lines bounding a LOT.
- (10) “NON-ADAPTABLE STRUCTURE” is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE).
- (11) “NOXIOUS WEEDS” are any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.
- (12) “PHOTOVOLTAIC (PV)” is a type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.
- (13) “PV SOLAR FARM” is a unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and waterwells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.

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- (14) “PV SOLAR FARM, COMMUNITY” is a PV SOLAR FARM of not more than 2,000 kilowatt nameplate capacity that meets the requirements of 20 ILCS 3855/1-10 for a “community renewable generation project” and provided that two COMMUNITY PV SOLAR FARMS may be co-located on the same or contiguous parcels as either a) two 2-MW projects on one parcel, or b) one 2-MW project on each of two contiguous parcels, as authorized by the Illinois Commerce Commission in Final Order 17-0838 on April 3, 2018.
- (15) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.
- (16) “PRIVATE WAIVER” is a written statement asserting that a landowner has agreed to waive a specific WIND FARM or PV SOLAR FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.
- (17) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (18) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (19) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (20) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (21) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (22) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (23) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.



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- (24) **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 5.2 only authorizes a “PV SOLAR FARM” in the AG-1 or AG-2 Zoning Districts and requires a Special Use Permit authorized by the County Board.
- D. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- E. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
  - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).
  - (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
  - (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
  - (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
  - (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.

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- (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
  - (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
  - (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
  - (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
  - (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.
  - (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
  - (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
  - (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
  - (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
  - (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
  - (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.
  - (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
  - (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
  - (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.
  - (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (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

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

- a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
  - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
  - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:

- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
  - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
  - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
  - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
  - 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

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“The proposed solar project is situated within a predominantly rural, agricultural area of Champaign County, IL. Allowing this property to be developed into a solar facility will provide 2.5 MWs of clean, renewable energy to the local electrical grid. In addition, this project will help generate additional income for the landowner, contribute to job creation stimulation through new investments in energy efficiency, renewables, and innovation, and also help preserve the State of Illinois’ low energy rates for residents and businesses within the County. The proposed Project would be situated on land that is adequately set back from surrounding residential areas. Because there are no significant traffic impacts associated with the construction and maintenance of the solar farm and no dangerous or hazardous chemicals contained within the PV modules, there are no anticipated effects to public health, safety, comfort, convenience, morals, or general welfare to the citizens of Urbana. Due to the location of the Project Area and relatively small size of the proposed solar project (2.5MW AC), traffic impacts are expected to be minimal. Once constructed, traffic conditions on site will be limited to approximately one utility vehicle per month accessing the site for maintenance purposes.”**
  - 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.

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8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The proposed Project would be situated on rural agricultural land, located away from public areas. The entire Project Premises will be contained within a six-foot tall chain link fence with a locked access gate in order to prevent trespassing. In addition, warning signage will be clearly posted at the ingress/egress point of the Project Premises and will contain emergency contact information and the 911 address. Furthermore, vegetation within the Project Premises will be regularly maintained to prevent any increase in fire hazard to the Project Premises and adjacent areas. Because there are no significant traffic impacts associated with the construction and maintenance of the solar farm and no dangerous or hazardous chemicals contained within the PV modules, there are no anticipated effects to public health, safety, comfort, convenience, morals, or general welfare to the citizens of the County. The existence of this solar Project is not expected to affect the value of land and buildings surrounding the Project Premises. According to the National Renewable Energy Laboratory, once constructed, solar projects require little maintenance and no on-site employees. FFP IL Community Solar, LLC intends on utilizing PV modules for this system which use a nonreflective glass and are designed to absorb light rather than reflect it, thus reducing glint and glare to adjacent roadways and residences. Furthermore, the noisiest components of the solar farms are the inverters, which generate a low buzzing sound as they convert electricity from direct current to alternating current. This noise is generally not audible above ambient noise outside of the perimeter fence.”**
- B. Regarding surface drainage, the PV SOLAR FARM fenced area generally drains toward the east.
- C. Regarding traffic in the subject property area:
- (1) The proposed solar farm would have one access on East Windsor Road. Although the subject property also fronts High Cross Road/IL 130, there would be no access there.
  - (2) East Windsor Road is a five-lane urban arterial. High Cross Road/IL 130 is a three-lane urban arterial.
  - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. Windsor Road had an ADT of 6,150 and High Cross Road/IL 130 had an ADT of 6,000 near the subject property.
  - (4) No significant increase in traffic is expected except during construction of the PV SOLAR FARM.

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- (5) The City of Urbana, IDOT, and Urbana Township Highway Commissioners have been notified of this case.
- a. Urbana Township does not have maintenance jurisdiction over the adjacent roads.
  - b. In an email received January 9, 2024, Kevin Garcia with the City of Urbana said the City has no issue with plans to develop these sites as solar farms.
- (6) No information was received regarding a Roadway Upgrade and Maintenance Agreement or waiver therefrom from the City of Urbana. The Zoning Ordinance does not require an agreement with IDOT.
- D. Regarding fire protection:
- (1) The subject property is approximately 5.7 road miles from the Philo fire station.
  - (2) The petitioners sent the Site Plan to the Philo Fire Protection Chief via email on December 21, 2023. No response was received as of January 10, 2024.
  - (3) The Philo Fire Protection District was notified of this case and no comments have been received in an email received January 23, 2024, Philo Fire Chief Keith Schafroth said “a Knox Box would be greatly appreciated for emergency access. I appreciate the clarification on the location watched the other one go up all summer. Glad to hear about safety measures to shut things down if something goes wrong are being built it.”
- E. No part of the subject property is located within a Special Flood Hazard Area.
- F. The subject property is considered Best Prime Farmland. The Natural Resource Information Report received November 28, 2023, states that the soil on the subject property consists of 152A Drummer silty clay loam, 171B Catlin silt Loam, 330A Peotone silty clay loam, and 663B Clare silt loam and has an average Land Evaluation score of 97.
- G. Regarding outdoor lighting on the subject property, the application received December 15, 2023, states “One motion-sensing security light will be installed at the entrance gate of the Project Premises. The security light will be shielded and downcast to minimize disturbance to the adjacent properties. The lighting will be designed and sited to avoid any light from spilling onto any adjacent property.” A special condition has been added to ensure compliance for any future outdoor lighting installation.
- H. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed PV SOLAR FARM.
- I. Regarding parking, there is no required parking for the proposed PV SOLAR FARM.
- J. Regarding public comments:
- (1) The following is a summary of emails received prior to the January 25, 2024 ZBA meeting:

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- a. In an email received January 24, 2024, Derek Liebert, Superintendent of Planning and Operations for the Urbana Park District, said the Urbana Park District would like to raise objections to the proposed solar farms. He said the adjacent property to the south was donated to the Urbana Parks Foundation for a park site, consistent with the City of Urbana 2005 Comprehensive Plan. He made eight requests of the solar farm developers should the solar project proceed:
- (a) Planting of tree screen on the south of the proposed solar array to the full extent of the future park site
  - (b) A berm that additional screens and attenuates noise from the solar array inverters.
  - (c) Ongoing annual monitoring of the noise to confirm compliance with maximum allowable noise regulations.
  - (d) Dark sky lighting with neighbor cutoff to control light trespass
  - (e) Notification of any site changes/addition of any buildings, above or below ground infrastructure
  - (f) No temporary buildings, storage of materials, equipment and/or stockpiling on site.
  - (g) No third-party uses/users or leasing of site
  - (h) Ongoing management of plantings for the control of invasive and noxious species.
- b. In an email received January 24, 2024, Kevin Garcia, Planner and Zoning Administrator for the City of Urbana, rescinded their waiver request to give the City and the Urbana Park District additional time to discuss the solar farm and proposed park.
- c. In an email received January 25, 2024, Ellen Kirsanoff, Urbana Parks Foundation Vice-President, said the Urbana Park District and Urbana Parks Foundation are not opposed to solar development. She said this solar development, being immediately adjacent to a new park land slated for development in the future, could have a very negative impact on the new park to come. The Urbana Parks Foundation is not in favor of this development due to its proximity to their future park site.
- d. In an email received January 24, 2024, Natalie and Robert Rodrigues, who live in Douglas Woods Subdivision, said they object to the request for two special use permits. They expressed concerns about visual impacts and being able to enjoy the surrounding rural area. They also support the development of the park south of the proposed solar farms and believe the solar farms would make the park not happen. They are concerned about impacts on natural areas and resources, water quality and drainage. They are also concerned about their property values. They want responsible solar power in the community that balances the demand for renewable energy with the interests of Champaign County and its residents.
- e. In an email received January 24, 2024, Rita Weisiger, who lives in Douglas Woods Subdivision, said they disapprove of installing a solar farm at this

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location. They expressed concern about impacts on the proposed park and on natural landscapes in the area.

- f. In an email received January 24, 2024, Richard Bodine, who lives in Douglas Woods Subdivision, said he opposes the proposed solar farm, referencing the reasons expressed by Natalie Rodrigues.
  - g. In an email received January 24, 2024, Sherry Hingtgen, who lives in Douglas Woods Subdivision, said she objects to the two special use permits for the proposed solar farms. She expressed concern about property values, contamination of their water wells, potential health concerns, drainage, visual impacts, and farmland protection.
  - h. In an email received January 24, 2024, Kelly Moss, who lives in Douglas Woods Subdivision, said they were against the proposed solar farm, especially with the proposed park. They feel they would be pushed to consider moving from Urbana if the solar farm is built. They noted the flooding issues a nearby solar project had along Windsor Road. They expressed concern for environmental impacts on wildlife in the area.
  - i. In an email received January 25, 2024, Carolyn and Ralph Trimble said the zoning provisions currently in place provide reasonable protection for the future park land now owned by the Urbana Parks Foundation. The waivers requested, if granted, would allow development of a solar project in the wrong place, highly detrimental to the future park. Solar projects can be good when they are properly placed. This proposal is not good because its placement is bad for the community as a whole. Please deny the requests for waivers for the proposed solar development.
  - j. In an email received January 25, 2024, Kathy Panski said she recently purchased land on the east side of IL 130 directly across from the proposed solar farm. She said they do not want an industrial development at this location and want to protect the natural state of the property. She also expressed support for development of the park.
  - k. In an email received January 25, 2024, Peter and Patricia Kale, who live in Douglas Woods Subdivision, said they object to the requests for the Special Use Permits. They said their land and the land around them is zoned for agriculture and single family homes, and a solar farm would be unsightly, would not benefit the community or surrounding environment. They also expressed concern about drainage and well water quality.
- (2) The following is a summary of testimony heard at the January 25, 2024 ZBA meeting:
- a. Mike McCormick, an attorney representing A&E Animal Hospital and the adjacent residential rental property located northwest of the proposed solar farms, said he and his clients welcome the opportunity to discuss their concerns. He said they have concerns about noise, and he hopes the



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equipment making noise is as far from neighboring residences as possible. He said it's important to them that they ensure noise levels now and in the future will be at acceptable levels. He asked about what hardship the developer might have in meeting the separation requirements to adjacent residential properties, since they did request a waiver. He expressed hope that if construction of the solar farm occurs, that construction will occur during reasonable hours, and that due diligence be done to protect infrastructure since the solar project to the west cut internet and phone service to his clients for days. He hopes that the petitioners will be willing to talk with adjacent landowners.

- b. Mike Walker, President of the Urbana Park District Board of Commissioners, said he is very interested in the project given the Urbana Parks Foundation has 29 acres just south of the property that they have planned to make a public park. He questioned putting a light industrial application adjacent to residential areas and the proposed park. He said the projects would impact future development by Urbana in that area. He said the screening plan appears inadequate. He asked the Board to decline this location and perhaps find a location that is farther away from the active municipality that is Urbana. He said the project would affect how people can access the park site.
- c. Lindsay Vahling, owner of A&E Animal Hospital and the adjacent residential rental property located northwest of the proposed solar farms, said she is concerned about her residential rental unit that is located next to the proposed project regarding noise, visual impacts, and her ability to charge reasonable rent. She wants to avoid the construction issues that have occurred with the solar project on the west side of her vet clinic by a different developer. She would like noise to be monitored periodically after construction.
- d. Natalie Rodrigues, resident of Douglas Woods Subdivision, said her main concern after living here and dealing with flooding in their own house is the water and the drainage. She is concerned about the mess construction has made at the solar project to the west of the vet clinic and doesn't want to see the same thing happen with this project. She is concerned about visual impacts, their property values, and the park, and wants to maintain the rural setting they have enjoyed.
- e. Nancy Delcomyn, who lives south of the proposed solar farms and along with her husband donated the land for the proposed park, said she is a 30-year Urbana Park District Commissioner. She had questions about the herbicides and maintaining of the vegetation under the panels. She thinks the developers are underestimating how difficult it is to maintain a relatively weed-free zone, especially with her 20-year battle with Canadian thistle. She mentioned concerns about the types of shrubs used in the vegetative screening. She is also concerned about the City of Urbana's ability to grow to the south with a solar farm located there. She is also

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concerned about the park, for which she and her husband donated the 29 acres to the south back in 2017. She said access to the proposed park would be difficult off of the busy IL 130, so they thought access would come from Windsor Road. She is also concerned about property values and tax implications. She said she does not like the precedent being set of allowing a reduced distance from neighboring properties. She said that the subject property has inadequate field tile, and it floods.

f. Fred Delcomyn, who lives south of the proposed solar farms and along with his wife donated the land for the proposed park, said he objects to this proposal for two particular reasons. He said first, authorizing the PV solar farm seems to him to subvert the prohibition on industrial development within one-half mile of a city boundary. He said a second reason for opposing this project is the strong negative impact it would have on the proposed park adjacent to it. He also said the proposed solar farm seems to go against the City of Urbana Comprehensive Plan and the Urbana Park District's plans for a park to the south were based on that Comprehensive Plan. He said he thinks that the idea of having residences next to the park is ideal. He said part of the idea for the proposed park is that residential development would be adjacent to the park, would blend in with the park, and the park would be actually an amenity that would help attract developers to develop this area. He asked that the Board reject the project.

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
  - A. The Petitioner has testified on the application, **“Solar is an approved use with a Special Use Permit under the County Zoning Ordinance. FFP IL Community Solar, LLC will comply with all ordinances, requirements, and regulations set forth by Champaign County and will obtain all required local and state permits.”**
  - 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.

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- (3) Requirements for what must be included in the area of the PV SOLAR FARM Special Use Permit are in subparagraph 6.1.5 B.(1).
- a. The revised Site Plan received March 1, 2024 appears to conform to this requirement.
- (4) Requirements which identify certain areas where a PV SOLAR FARM Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).
- a. Item 6.1.5 B.(2)a. requires a PV SOLAR FARM to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
- (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
- i. The subject property is adjacent to the City of Urbana, a municipality with zoning. The PV Solar Farm will be located within the CUGA. A waiver has been added.
- (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
- i. The petitioner sent an email to the City of Urbana on December 8, 2023 which included the Special Use Permit application.
- ii. In an email received January 9, 2024, Kevin Garcia with the City of Urbana said the City has no issue with plans to develop these sites as solar farms.
- (c) The public hearing for any proposed PV SOLAR FARM that is located within one and one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two Board meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.
- i. In an email received January 9, 2024, Kevin Garcia with the City of Urbana waived the required for the County to hold two meetings on Cases 126-S-23 and 127-S-23.
- ii. In an email received January 24, 2024, Kevin Garcia rescinded his previous statement so two ZBA meetings would be required to give further consideration for a proposed Urbana Park District park south of the subject property.

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- (d) 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. Notice of the January 25, 2024, ZBA public hearing was sent by P&Z Staff to the City of Urbana on January 10, 2024. City of Urbana staff were also notified of the receipt of the project application on December 20, 2023 by email.
  - ii. No resolution from the City of Urbana has been received as of March 6, 2024.
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3):
- a. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
    - (a) The petitioner included an interconnection application with their Special Use Permit application received December 15, 2023.
    - (b) Matthew Vollbrecht sent a signed Interconnection Agreement for Site 1 in an email received January 23, 2024.
  - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR FARM prior to issuance of the Zoning Compliance Certificate.
- (6) Requirements regarding Right to Farm can be found in Subparagraph 6.1.5 B.(4): “The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.”
- a. A special condition has been added to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
- a. Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

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- (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The Site Plan received March 1, 2024, 2024 shows the separations between the solar farm fence and adjacent buildings and uses.
  - b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
    - (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to be set back from the street centerline a minimum of 40 feet from a MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.
      - i. The revised Site Plan received March 1, 2024 demonstrates compliance with the 55 feet setback from the centerline of Windsor Road, which is a COLLECTOR STREET. It also demonstrates compliance with the 60 feet setback from the centerline of IL 130/High Cross Road, which is a MAJOR STREET.
      - ii. Public Act 102-1123 requires a distance of 50 feet from the PV SOLAR FARM fence to the nearest edge of a public road RIGHT-OF-WAY.
        - (i) The proposed distance complies with the Zoning Ordinance. The Zoning Ordinance is less restrictive than Public Act 102-1123 in this requirement and therefore the proposed distance is acceptable.
    - (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is no required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.
      - a. The subject properties meet minimum zoning lot requirements.
    - (c) Subparagraph 6.1.5 D.(3)a. states that for any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
      - i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
        - (i) There is an adjacent lot to the northwest that is 10 acres or less in lot area. There are adjacent lots on the north side of Windsor Road that are 10 acres or less in lot area. The revised Site Plan received March 1, 2024 demonstrates compliance with the 240 foot required

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separation between the PV SOLAR FARM fence and those property lines.

- (ii) Public Act 102-1123 only requires a separation distance of 50 feet between the PV SOLAR FARM fence and the boundary lines of a NON-PARTICIPATING property. The revised Site Plan received March 1, 2024 demonstrates compliance with Public Act 102-1123.
- ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the BOARD.
- (i) There are no lots that are 10 acres or less in lot area adjacent to the subject property that are bordered on more than two sides by the PV SOLAR FARM.
  - (ii) Public Act 102-1123 requires a separation distance of 50 feet between the PV SOLAR FARM fence and the boundary lines of a NON-PARTICIPATING property. The Zoning Ordinance is less restrictive than Public Act 102-1123 in this requirement and therefore the proposed distance is acceptable.
- (d) Subparagraph 6.1.5 D.(3)b. states that for any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
- i. The perimeter fencing of the PV SOLAR FARM is at least 10 feet away from any SIDE or REAR LOT LINE of an adjacent LOT that is more than 10 acres in area.
  - ii. Public Act 102-1123 requires a separation distance of 50 feet between the PV SOLAR FARM fence and the boundary lines of a NON-PARTICIPATING property. The proposed distance complies with the Zoning Ordinance. The Zoning Ordinance is less restrictive than Public Act 102-1123 in this requirement and therefore the proposed distance is acceptable.
- (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.

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- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation.
- i. There is no AIRPORT or RESTRICTED LANDING AREA within 500 feet of the subject property.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
- i. There are no new substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
- i. The inverters shown on the revised Site Plan received March 1, 2024 are at least 275 feet away from the PV SOLAR FARM perimeter fence.
  - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the revised Site Plan received March 1, 2024:
    - (i) The inverters are located toward the center of the subject property. The distance between an inverter and the closest dwelling is 1,350 feet.
  - iii. Public Act 102-1123 does not have a separation requirement for inverters. Not approving the waiver could create compliance issue with Public Act 102-1123.
- (i) Subparagraph 6.1.5 D.(7) states that separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the BOARD on a case-by-case basis.
- i. The application stated that the arrays will not exceed 12 feet in height at maximum tilt.

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- ii. Public Act 102-1123 states that solar equipment can extend up to 20 feet above ground. Should the ZBA decide that additional separations are needed due to height, it could create compliance issue with Public Act 102-1123.
  - (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 March 1, 2024, shows that there is at least 26 feet of separation between the property line of any lot more than 10 acres in area and the PV SOLAR FARM equipment other than fencing.
- (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 December 15, 2023, does not include any buildings.
  - b. Subparagraph 6.1.5 E.(2) establishes minimum requirements for electrical components.
    - (a) Part 6.1.5 E.(2)a. states that all electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
      - i. The petitioner stated in their application materials, “The Project’s facilities will be sited to comply with Champaign County setback requirements, where feasible, and will also comply with other local, state, and federal regulatory standards.”
    - (b) Part 6.1.5 E.(2)b. states that burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.
      - i. The petitioner did not mention the depth of burying power and communication wiring in their 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.



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- (a) The petitioner indicated that all above ground structures would be less than twelve feet tall except for the utility poles.
- d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (a) The petitioner stated in the Special Use Permit application, “Visible warning signs shall be posted at each ingress/egress point associated with the Project. The Project emergency contact information and 911 address will be clearly posted on all warning signage.”
- e. Subparagraph 6.1.5 E.(5) requires that no PV SOLAR FARM construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
- (a) Drainage districts have been notified of the proposed project.
    - i. In an email received January 9, 2024, Byron Balbach, Attorney for both drainage districts in the subject property area, stated “no drainage facilities of either district are located within Site 1 or Site 2...you may need to consider storm water detention if your drainage off your project will increase beyond normal agricultural drainage.”
  - (b) The subject property does not have a connection to public sewer or water.
  - (c) Champaign County Geographic Information Systems data does not show any gas or hazardous liquid lines on the subject property.
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
- a. The subject property is considered Best Prime Farmland. The Natural Resource Information Report received November 28, 2023, states that the soil on the subject property consists of 152A Drummer silty clay loam, 171B Catlin silt Loam, 330A Peotone silty clay loam, and 663B Clare silt loam and has an average Land Evaluation score of 97.
  - b. The Applicant is required to sign an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per *505 ILCS 147/15(b)*. A special condition has been added to ensure compliance.
  - c. Regarding pollinator friendly ground cover in the mitigation of damage to farmland, the petitioner stated in their application materials received December 15, 2023, “The proposed Project may follow practices that: (1) provide native perennial vegetation and foraging habitat, which is beneficial to game birds, songbirds, and pollinators; and (2) reduce stormwater runoff

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and erosion at the solar site. To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the Project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds. A detailed Vegetation Maintenance Plan will be completed and submitted.”

- (a) A revised Vegetation Establishment and Management Plan was received on March 1, 2024.
- d. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
    - (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that establishes the cable depths to be used.
  - e. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
    - (a) The petitioner provided a preliminary potential drain tile map.
    - (b) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that establishes rerouting and permanent repair of agricultural drainage tiles.
    - (c) In an email received January 9, 2024, Byron Balbach, Attorney for both drainage districts in the subject property area, stated “no drainage facilities of either district are located within Site 1 or Site 2...you may need to consider storm water detention if your drainage off your project will increase beyond normal agricultural drainage.”
  - f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
    - (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that states, “Consultation with the appropriate County SWCD by the Facility Owner shall be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of the Facility. Those conservation practices shall be restored to their preconstruction condition as close as reasonably practicable following Deconstruction in accordance with USDA NRCS technical standards. All repair costs shall be the responsibility of the Facility Owner.”

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- g. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
    - (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that details how topsoil is to be handled.
  - h. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
    - (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that details how the facility owner must mitigate compaction and rutting.
  - i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
    - (a) The petitioner did not provide a response in the application materials.
  - j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
    - (a) The Special Use Permit application received December 15, 2023 states, “A detailed Erosion Control Plan will be completed and submitted as a portion of the Building Permit for the site.”
  - k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
    - (a) The Special Use Permit application received December 15, 2023 includes an Agricultural Impact Mitigation Agreement that details how topsoil will be handled.
  - l. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
    - (a) A revised Vegetation Establishment and Management Plan was received on March 1, 2024.
- (11) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- a. Paragraph 6.1.5 G.(1) requires the Applicant to enter into a signed Roadway Upgrade and Maintenance agreement approved by the County Engineer and State’s Attorney and/or any relevant Township Highway Commissioner prior to the close of the public hearing for the use of public streets, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.
    - (a) The petitioner did not provide information on a Roadway Upgrade and Maintenance Agreement in their application. A waiver has been added to request this at a later time, and a special condition has been added to ensure compliance.

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- b. Paragraph 6.1.5 G.(2) requires that the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality.
    - (a) The petitioner did not provide information regarding a Transportation Impact Analysis in their application. A special condition has been added to ensure compliance.
  - c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway Use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
    - (a) No information was required or submitted for the Special Use Permit application.
- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- a. The subject property is approximately 5.7 road miles from the Philo fire station.
  - b. The petitioners sent the Site Plan to the Philo Fire Protection District on December 20, 2023. ~~and no comments have been received as of January 10, 2024.~~ In an email received January 23, 2024, Philo Fire Chief Keith Schafroth said "a Knox Box would be greatly appreciated for emergency access. I appreciate the clarification on the location watched the other one go up all summer. Glad to hear about safety measures to shut things down if something goes wrong are being built it."
  - c. The Philo Fire Protection District was notified of this case. ~~and no comments have been received.~~
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
    - (a) The petitioner stated in their application, "Noise levels will be in compliance with the Illinois Pollution Control Board regulations."
    - (b) A noise study received on February 16, 2024 demonstrated through modeling that the proposed solar farm would be compliant with IPCB regulations.
    - (c) The petitioners have agreed to install a solid fence along the south edge of the solar farm area to help mitigate noise for the proposed park to the south, in addition to vegetative screening that should also help mitigate noise concerns.

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- b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
- (a) The project size is considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is not required unless the ZBA requires one.
- (b) A noise study received on February 16, 2024 demonstrated through modeling that the proposed solar farm would be compliant with IPCB regulations.
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
- a. The petitioner stated in their application, “Westwood conducted an IPaC coordination with the U.S. Fish and Wildlife Service (USFWS) (2023). The results of the effort identified six federally endangered, threatened, proposed, candidate, or Non-essential Experimental Population (NEP) species as potentially occurring within the Project Area or surrounding region.”
- b. The petitioner stated in their application, “On September 27, 2023, Westwood submitted an EcoCAT (IDNR 2023d) request to the Illinois Department of Natural Resources (IDNR) for information regarding state-listed threatened or endangered species (Appendix E). The request (IDNR #2405178) identified no records of state-listed threatened or endangered species within the Project Area and surrounding vicinity.”
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
- a. The petitioner stated in their application, “As a preliminary review of cultural resources in the Project Area, Westwood examined the Illinois Inventory of Archaeological Sites (IIAS) and the Historic and Architectural Resources Geographic Information System (HARGIS) maintained by the Illinois SHPO. An initial inventory of archaeological sites and historic structures was compiled. Previous surveys were also examined for insight into the cultural resource potential of the Project Area. Additionally, the National Register of Historic Places (NRHP) database was reviewed. The Project Area was examined, as well as a ¼-mile buffer. No previously recorded cultural resources are present in the Project Area or the ¼-mile buffer based on the review of available data in the IIAS and HARGIS. No NRHP listed properties or historic districts are present within the Project Area or the ¼-mile buffer. No previous cultural resources survey has been conducted within the Project Area.”
- b. The petitioner did not provide a copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources. A special condition has been added to ensure compliance.

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- (16) Paragraph 6.1.5 L. states: “The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.”
- a. The petitioner did not explain mitigating impacts to wildlife in their 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) The petitioner stated in their application, “The entire Project Premises will be surrounded by a seven-foot-tall standard chain-link fence.”
    - (b) The petitioner stated in their application, “The Project will include a visible and lockable manual safety switch, which will be made accessible to first responders, the utility, and maintenance personnel via gate lockbox, code, or other method to be defined prior to construction.”
    - (c) The petitioner stated in their application, “To the extent practical, if establishing perennial vegetation and beneficial foraging habitat, the Project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.”
      - i. A revised Vegetation Establishment and Management Plan was received on March 1, 2024 which includes information on control of noxious weeds.
  - b. Subparagraph 6.1.5 M.(2) requires a visual screen around the perimeter of the PV SOLAR FARM.
    - (a) Subparagraph 6.1.5 M.(2)a.(a) requires that a visual screen be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT.
      - i. The petitioner stated in their application, “Any part of the facility within 1,000 feet of any Non-Participating residence or Road right-of-way not screened by existing vegetation will be screened by a native scrub screening as shown in Exhibit 5.”
      - ii. There are NON-PARTICIPATING residences within 1,000 feet to the southeast, with the closest being 800 feet to the southeast of Site 2.
        - (i) The revised Screening Plan received March 1, 2024 indicates screening to the south and the north.

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(ii) A special condition has been added that the petitioners shall install screening on the west side should residential development occur to the west.

- (18) Paragraph 6.1.5 N. contains standard conditions to minimize glare from the PV SOLAR FARM. Subparagraph 6.1.5 N.(1) requires that the design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
- a. The petitioner stated in the application, “The project will utilize Yaskawa Solectria XGI 1500-250/250-600 photovoltaic modules, which are constructed of anti-reflective coated tempered glass. In addition, the facility will be sited strategically to avoid glint and glare reflection towards adjacent roadways and surrounding areas.”
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. The petitioner did not provide insurance information in their 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 did not provide information in their application.
- 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 Special Use Permit application received December 15, 2023 states, “the Project shall use native plant species and certified seed mixes that are free from noxious or exotic weed seeds.
- i. A revised Vegetation Establishment and Management Plan was received on March 1, 2024 which includes information on control of noxious weeds.
- (b) The Agricultural Impact Mitigation Agreement received with the application on December 15, 2023 contains information on weed control.

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- (c) A special condition has been added to ensure compliance.
- c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:
    - (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
      - i. The petitioner included a signed Decommissioning and Site Reclamation Plan with their application received December 15, 2023.
      - ii. A revised DSRP was received on January 5, 2024.
    - (b) Subparagraph 6.1.1 A.2. of the Ordinance requires that the decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any operator and/or owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
      - i. The petitioner's Decommissioning and Site Reclamation Plan received January 5, 2024 states, "The Decommissioning Security will be in the form of an irrevocable letter of credit and an escrow account with the Champaign County Board as a beneficiary per Section 6.1.5 Q(4) of the Solar Ordinance. The County has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits, and the Applicant, its successors in interests, and all parties to decommissioning shall adjust the amount of financial assurance in escrow to ensure that it reflects current and accurate information."



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- (c) Subparagraph 6.1.1 A.3. of the Ordinance requires that separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer and are subject to approval of the BOARD.
    - i. The petitioner included cost estimates prepared by an Illinois Licensed Professional Engineer with their Decommissioning and Site Reclamation Plan received January 5, 2024.
  - (d) Subparagraph 6.1.1 A.4.d. of the Ordinance requires the Decommissioning and Site Reclamation Plan to provide for provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
    - i. The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to a Letter of Credit.
  - (e) Subparagraph 6.1.1 A.5. of the Ordinance requires submission of an irrevocable letter of credit in the amount of 150% of the cost estimate required by 6.1.1 A.3 prior to issuance of a Zoning Use Permit.
    - i. No specifics were required or submitted regarding the Letter of Credit.
  - (f) Subparagraph 6.1.1 A.6. of the Ordinance establishes a time period prior to the expiration of the irrevocable letter of credit during which the Zoning Administrator shall contact the landowner regarding the intent to renew the letter of credit and the landowner shall reply within a certain amount of time.
    - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
  - (g) Subparagraph 6.1.1 A.7. of the Ordinance establishes 5 factors to be considered in determining if a NON-ADAPTABLE structure (PV SOLAR FARM in this instance) is abandoned in place and 6.1.1 A.9. of the Ordinance establishes 7 conditions when the Zoning Administrator may draw upon the letter of credit and jointly these 12 circumstances comprise when the Zoning Administrator may draw upon the letter of credit.
    - i. The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to these items.
  - (h) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, the decommissioning and site reclamation plan shall also include provisions for anticipated repairs

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to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.

- (a) The Decommissioning and Site Reclamation Plan received January 5, 2024 includes removal of access roads should the landowner require it and includes provisions for repairing public streets.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
    - (a) The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to 6.1.5 Q.(3).
  - d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance. Regarding compliance with this subparagraph:
    - (a) The Letter of Credit must be supplied prior to receiving a Zoning Use Permit.
  - e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
    - (a) The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to 6.1.5 Q.(5).
  - f. Subparagraph 6.1.5 Q.(6) of the Ordinance states that the Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
    - (a) The Decommissioning and Site Reclamation Plan received January 5, 2024 includes reference to 6.1.5 Q.(6).
  - g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
    - (a) A special condition has been added to ensure compliance.
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- a. The petitioner stated in the application, “An Agricultural Impact Mitigation Agreement (Appendix F) has been signed by the applicant and has been submitted to the Illinois Department of Agriculture for signatures.”

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- b. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.
- a. A special condition has been added to ensure compliance.
- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
    - (a) A Project Description was included with the application received December 15, 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 December 15, 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 ~~January 10~~ March 1, 2024, appears to demonstrate compliance with this requirement.
    - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 B.(1).

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- i. The revised Site Plan received March 1, 2024, appears to demonstrate compliance with this requirement.
  - (c) The location of all below-ground wiring.
    - i. The revised Site Plan received March 1, 2024, appears to demonstrate compliance with this requirement.
  - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
    - i. The revised Site Plan received March 1, 2024, appears to demonstrate compliance with this requirement.
  - (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM County Board SPECIAL USE Permit. PV SOLAR FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.
    - i. The revised Site Plan received March 1, 2024, appears to demonstrate compliance with this requirement.
- d. Subparagraph 6.1.5 U.(1)d. requires submittal of all other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
  - (a) Compliance with this subparagraph has been shown in previous sections of this Summary of Evidence.
- e. Subparagraph 6.1.5 U.(1)e. requires that the PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM as required by Section 6.1.5 B.(2)a.(b).
  - (a) The Petitioner emailed a copy of the Special Use Permit application to the City of Urbana on December 8, 2023.
- f. Subparagraph 6.1.5 U.(1)f. requires that a municipal resolution regarding the PV SOLAR FARM by any municipality located within one-and-one-half miles of the PV SOLAR FARM must be submitted to the ZONING ADMINISTRATOR prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-

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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) Notice of the January 25, 2023 public hearing was sent by P&Z Staff to the City of Urbana on January 10, 2024. City of Urbana staff were also notified of the receipt of the project application on December 20, 2023 by email.
  - (b) No resolution from the City of Urbana has been received as of March 6, 2024.
- g. Subparagraph 6.1.5 U.(1)g. requires that documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM as required by Section 6.1.5 B.(3)b.
- (a) The petitioner included an application for an interconnection agreement with their Special Use Permit application received December 15, 2023.
  - (b) Matthew Vollbrecht sent a signed Interconnection Agreement for Site 1 in an email received January 23, 2024.
  - (c) A special condition has been added to ensure compliance.
- h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.
- (a) A noise study was received on February 16, 2024.
  - (b) An email received on March 1, 2024 included revised Site Plans, revised Vegetative Screening Plans, and revised Vegetation Establishment and Management Plans.
- i. Subparagraph 6.1.5 U.(2) requires that the Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction.
- (a) A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.

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- (2) Regarding the SWMEC requirement to protect agricultural field tile, see the review of compliance with paragraph 6.1.5 F. that contains standard conditions to mitigate damage to farmland.
- D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject property is located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in City of Urbana's 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 District:
  - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-2 Agriculture District because it is only authorized in the AG-1 and AG-2 Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. A PV SOLAR FARM may be authorized by the County Board in the AG-1 or AG-2 Agriculture Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
    - (1) A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to the following findings:
      - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
      - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - B. See Section 15 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the *Zoning Ordinance*:
    - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

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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 districts provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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

- (4) Paragraph 2.0(b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. Regarding the value of nearby properties, it is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
  - b. Regarding the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.
    - (a) If the petitioner is denied the special use permit, the property can still be used for agricultural production.
  - c. Section 6.1.5 Q. of the PV SOLAR FARM text amendment approved on August 23, 2018, includes a standard condition requiring a Decommissioning and Site Reclamation Plan that is intended to ensure there is adequate financial assurance for removal of a PV SOLAR FARM at the end of its useful life. Ensuring adequate site reclamation is one method of protecting surrounding property values.
- (5) Paragraph 2.0(c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. Other than additional traffic during construction and/or decommissioning of the PV SOLAR FARM, no significant increase in traffic is anticipated.

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- (6) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- a. The requested Special Use Permit is not in a Special Flood Hazard Area.
  - b. The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
- (7) Paragraph 2.0(e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- c. A summary of public comments can be found under Item 8.J. of this Summary of Evidence.

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

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

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



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

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

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

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

The subject property is located in the AG-2 Agriculture District and the proposed project is not an urban USE.

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

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

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

The subject property is located in the AG-2 Agriculture District and does not require additional public utilities or transportation facilities.

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

The subject property is located in the AG-2 Agriculture District and a PV SOLAR FARM is typically located in a rural setting.

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

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

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

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

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

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

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

- (1) The City of Urbana is aware of the proposed project and in an email received January 9, 2024 from Kevin Garcia, they stated they have no issue with plans to develop these sites as solar farms.

(2) No new comments have been received from the City of Urbana as of March 6, 2024.

B. Regarding Part B of the proposed waivers, for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board:

- (1) The petitioner is working with relevant jurisdictions to receive either an agreement or a waiver from this requirement.
- (2) A special condition has been added requiring the applicant to submit a Roadway Upgrade and Maintenance Agreement or waiver therefrom and approved by ELUC at the time of application for a Zoning Use Permit.

***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 Farm less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality, the PV SOLAR FARM could not be located on the subject property.

B. Without Part B of the proposed waivers for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of 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 these documents.

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Page 41 of 62***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 Farm less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:
- (1) The petitioners were made aware of this separation requirement when they applied for the Special Use Permit.
- B. Regarding Part B of the proposed waivers, for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board:
- (1) The petitioner is working with relevant jurisdictions to receive either an agreement or a waiver from this requirement.

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

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- A. Regarding Part A of the proposed waivers, for locating the PV Solar Farm less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality, the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
- B. Regarding Part B of the proposed waivers, entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

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

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. City of Urbana, IDOT, and Urbana Township have been notified of this case.
- (1) In an email received January 9, 2024, Kevin Garcia with the City of Urbana said the City has no issue with plans to develop these sites as solar farms.
- B. The Philo Fire Protection District has been notified of this case, and no comments have been received regarding the proposed waiver.
- C. Drainage Districts have been notified of this case. The attorney for both Drainage Districts said there are no District tiles located onsite.

- D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers. Several concerns have been noted by the Urbana Park District and neighbors.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

17. Regarding proposed special conditions of approval:

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

- **Site Plan received March 1, 2024.**
- **Screening Plans received March 1, 2024.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- F. A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the City of Urbana and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

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

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

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

- 1. Documentation of the solar module's unlimited 10-year warranty and the 25-year limited power warranty.**
- 2. Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
- 3. An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's or a rating of "A-" by Kroll's within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
- 4. A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
- 5. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
- 6. A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
- 7. The telephone number for the complaint hotline required by 6.1.5 S.**
- 8. Any updates to the approved Site Plan from Case 127-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
- 9. A copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**That drainage district tiles are protected.**

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

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

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

- N. **Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the west or south sides of the PV SOLAR FARM, the owner of the PV SOLAR FARM will establish vegetative screening on the west side 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.**

- O. **Underground drainage tile shall be investigated and identified as follows:**
  - 1. **Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**

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- 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
- 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
- 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
- 5. Any tile found shall be protected from disturbance.**
- 6. All mutual drain tiles shall be protected from construction disturbance and a 40-foot wide no construction area shall be centered on all mutual drain tiles.**
- 7. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

**The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.**



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1. Special Use Permit Application received December 15, 2023, with attachments:
  - A Site Plan
  - B Supplemental Application Information, including:
    - Project Description
    - Decommissioning and Site Reclamation Plan
    - Agricultural Impact Mitigation Agreement
    - Interconnection application
    - Exhibit 1: Project location and USGS topography
    - Exhibit 2: Water resources
    - Exhibit 3: Scenic and Conservation Areas
    - Exhibit 4: Drain Tile Location Map
    - Exhibit 5: Setbacks and Parcels
2. Natural Resource Report by the Champaign County Soil and Water Conservation District received November 28, 2023
3. Revised Site Plan received December 20, 2023
4. Email from Matthew Vollbrecht received January 5, 2024, with attachments:
  - Revised Screening Plan
  - Revised Decommissioning and Site Reclamation Plan received January 5, 2024
5. Email from Matthew Vollbrecht received January 9, 2024, with attachment:
  - Drainage District tile locations provided by Byron Balbach, Attorney for Silver Creek Drainage District and Drainage District #3 of the Town of St. Joseph
6. Email from Kevin Garcia, City of Urbana, received January 9, 2024
7. Email from Matthew Vollbrecht received January 9, 2024, with attachments:
  - Revised Site Plan
  - Vegetation Establishment and Management Plan
8. Preliminary Memorandum dated January 17, 2024, with attachments:
  - A Case Maps (Location Map, Land Use, and Zoning)
  - B1 Revised Site Plan Site 1 received January 10, 2024
  - B2 Revised Site Plan Site 2 received January 10, 2024
  - C Project Description received December 15, 2023
  - D Exhibits from Special Use Permit application received December 15, 2023
  - E Agricultural Impact Mitigation Agreement received December 15, 2023
  - F Interconnection application received December 15, 2023
  - G Inverter spec sheet downloaded December 20, 2023
  - H Solar Module spec sheet downloaded December 20, 2023
  - I1 Decommissioning and Site Reclamation Plan for Site 1 received January 5, 2024
  - I2 Decommissioning and Site Reclamation Plan for Site 2 received January 5, 2024
  - J Vegetation Establishment and Management Plan received January 10, 2024
  - K Email from Matthew Vollbrecht received January 9, 2024, with attachment:
    - Drainage District tile locations provided by Byron Balbach, Attorney for Silver Creek Drainage District and Drainage District #3 of the Town of St. Joseph

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- L Email from Kevin Garcia, City of Urbana, received January 9, 2024  
M Natural Resource Report by the Champaign County Soil and Water Conservation District received November 28, 2023  
N Site visit images taken January 3, 2024  
O Case 126-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated January 25, 2024  
P Case 127-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated January 25, 2024

9. Email from Matthew Vollbrecht regarding Philo Fire Department comments received January 22, 2024
10. Email from Matthew Vollbrecht received January 23, 2024, with attachment:  
  - Interconnection Agreement with Ameren for Bonacci Site 1
11. Email from Derek Liebert, Urbana Park District, received January 23, 2024
12. Email from Kevin Garcia, City of Urbana, received January 24, 2024
13. Handout of public comments distributed at January 25, 2024 ZBA meeting:  
  - Email from Ellen Kirsanoff, Urbana Parks Foundation Vice-President, received January 25, 2024
  - Email from Kevin Garcia, City of Urbana, received January 24, 2024
  - Email from Derek Liebert, Urbana Park District, received January 24, 2024
  - Email from Peter and Patricia Kale received January 25, 2024
  - Email from Kathy Panski received January 25, 2024
  - Email from Carolyn and Ralph Trimble received January 25, 2024
  - Email from Kelly Moss received January 24, 2024
  - Email from Sherry Hingtgen received January 24, 2024
  - Email from Richard Bodine received January 24, 2024
  - Email from Rita Weisiger received January 24, 2024
  - Email from Natalie Rodrigues received January 24, 2024
14. Supplemental Memorandum #1 dated March 6, 2024, with attachments:  
A Legal advertisement  
B Revised Site Plan Site 1 received March 1, 2024  
C Revised Site Plan Site 2 received March 1, 2024  
D Revised Vegetative Screening Plan Site 1 received March 1, 2024  
E Revised Vegetative Screening Plan Site 2 received March 1, 2024  
F Memorandum from petitioners responding to public comments received March 1, 2024  
G Revised Vegetation Establishment and Management Plan for Site 1 (*Site 2 not included because it is essentially the same*)  
H Noise Study received February 16, 2024  
I Revised Case 126-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated March 14, 2024  
J Revised Case 127-S-23 Summary of Evidence, Summary Finding of Fact and Final Determination dated March 14, 2024

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From the documents of record and the testimony and exhibits received at the public hearing for zoning case **127-S-23** held on **January 25, 2024, and March 14, 2024**, 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.
  
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because\*}*:
    - a. *The subject property is approximately 5.7 miles from the Philo fire station.*
    - b. *The Philo Fire Protection District was notified of this case and ~~no comments have been received~~ their only request was to have a Knox Box.*
  
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:
    - a. *The proposed project is surrounded by land in agricultural production to the west, east, and south and by a substation and vacant parcel that are within the City of Urbana to the north.*
    - b. *The nearest residence is about 825 feet from the PV SOLAR FARM fenced area.*
  
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
    - a. *No part of the subject property is in the Special Flood Hazard Area.*
    - b. *The proposed project must comply with the Storm Water Management and Erosion Control Ordinance.*
  
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
    - a. *Relevant jurisdictions were notified of this case, and no comments have been received.*
  
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
    - a. *No parking is required for a PV SOLAR FARM.*
  
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
    - a. *The site is reasonably well-suited in all respects and has no major defects.*

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

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- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. *The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.*
  - b. *Relevant jurisdictions have been notified of this case. The City of Urbana stated they have no issue with plans to develop these sites as solar farms.*
  - c. *Neighboring landowners have been notified of this case, and ~~no~~ comments have been received some expressed concerns about noise, visual impacts, property values, the proposed park to the south, and the ability of the City of Urbana to grow to the south.*
  - d. *The Urbana Park District and Urbana Parks Foundation, owner of 29 acres to the south that they plan to develop as a park, expressed concerns about sufficient vegetative screening, noise, and how the proposed project goes against the City of Urbana Comprehensive Plan upon which the Urbana Park District was basing their proposed park location.*
- (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 City of Urbana is aware of the proposed project and in an email received January 9, 2024 from Kevin Garcia, they stated they have no issue with plans to develop these sites as solar farms.*
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
- a. *Without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.*
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
- a. *The petitioners were made aware of this separation requirement when they applied for the Special Use Permit.*
- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- a. *Without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.*
- B. Regarding Part B of the proposed waivers, for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of 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:

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- a. *The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.*
  - b. *A special condition has been added requiring this information prior to approval of a Zoning Use Permit.*
- (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
- a. *The petitioner is working with relevant jurisdictions to receive either an agreement or a waiver from this requirement.*
  - b. *A special condition has been added requiring this information prior to approval of a Zoning Use Permit.*
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
- a. *Without the proposed waiver, the Special Use Permit process might have to be extended in order to have sufficient time to prepare this document.*
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
- a. *The petitioner is working to receive either an agreement or a waiver from relevant jurisdictions.*
- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- a. *Roadway agreements take time to establish and that timeframe is not entirely in the control of the petitioner.*

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

- A. **The approved site plan consists of the following documents:**
  - **Site Plan received March 1, 2024.**
  - **Screening Plans received March 1, 2024.**

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:

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

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

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

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

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

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

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

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

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

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

- F. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the City of Urbana and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

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

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

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

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3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 126-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
9. **A copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources.**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

The special condition stated above is required to ensure the following:  
**That drainage district tiles are protected.**

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**

The special condition stated above is required to ensure the following:  
**That the current version of the Zoning Ordinance has been referenced.**

- N. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the west or south sides of the PV SOLAR FARM, the owner of the PV SOLAR FARM will establish vegetative screening on the west side 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.**

- O. Underground drainage tile shall be investigated and identified as follows:**
- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
  - 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
  - 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
  - 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
  - 5. Any tile found shall be protected from disturbance.**
  - 6. All mutual drain tiles shall be protected from construction disturbance and a 40-foot wide no construction area shall be centered on all mutual drain tiles.**

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**7. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

**The identification and protection of existing underground drainage tile and to allow ongoing maintenance of mutual drain tiles.**

## 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 **127-S-23** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}** to the applicant, **FFP IL Community Solar**, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning District:

**Authorize a Community PV Solar Farm with a total nameplate capacity of 2.5 megawatts (MW), including access roads and wiring, and**

***{SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:}***

**Part A: A waiver for locating the PV Solar Farm 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.(a).**

**Part B: A waiver for entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority at a later time in lieu of prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.**

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

- A. **The approved site plan consists of the following documents:**
  - **Site Plan received March 1, 2024.**
  - **Screening Plans received March 1, 2024.**
- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
- D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.**
- E. **A signed Decommissioning and Site Reclamation Plan that has been approved by the Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the**

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

- F. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the City of Urbana and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**
- G. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module’s unlimited 10-year warranty and the 25-year limited power warranty.**
  2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
  3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
  4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
  5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
  6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
  7. **The telephone number for the complaint hotline required by 6.1.5 S.**
  8. **Any updates to the approved Site Plan from Case 126-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
  9. **A copy of the Agency Action Report for the State Historic Preservation Officer of the Illinois Department of Natural Resources.**
- H. **A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**

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

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**Drainage District shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that are discovered shall be recorded using Global Positioning System (GPS) technology.**

- M. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended February 23, 2023.**
- N. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the west or south sides of the PV SOLAR FARM, the owner of the PV SOLAR FARM will establish vegetative screening on the west side per Section 6.1.5 M.(2) of the Zoning Ordinance.**
- O. Underground drainage tile shall be investigated and identified as follows:**
- 1. Desktop mapping and field reconnaissance shall identify all areas where drain tile are expected to be located based on soils, topographic elevations, ground surface channels and/or depressions, wetlands, natural drainage ingress and egress locations, and knowledge of current owners and/or current farmers.**
  - 2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that serve upland areas under different ownership. All existing drain tiles encountered shall be logged on field mapping and repaired to the original state according to Illinois Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
  - 3. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
  - 4. All existing drain tile that are found shall be located in the field using GPS location systems and recorded on as-built plans. Record mapping shall be completed according to typical civil engineering mapping standards.**
  - 5. Any tile found shall be protected from disturbance.**
  - 6. All mutual drain tiles shall be protected from construction disturbance and a 40-foot wide no construction area shall be centered on all mutual drain tiles.**
  - 7. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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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