

CASE 175-S-25

SUPPLEMENTAL MEMORANDUM #1

November 6, 2025

Petitioner: Champaign CSG 1 LLC, c/o Dimension RE LLC, via agent Daniel Solorzano, and participating landowner Foersterling Farm LLC

Request: Authorize a Community PV Solar Farm with a total nameplate capacity of 3 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:

Part A: A waiver for locating the PV Solar Farm less than one and one-half miles from an incorporated municipality with a zoning ordinance and one-half mile from a municipal boundary per Section 6.1.5 B.(2)a.(a).

Part B: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals, per Section 6.1.5 G.(1).

Part C: A waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.

Other waivers may be necessary.

Location: The subject property is approximately 35 acres lying south and east of the Copper Slough drainage ditch on a 202-acre tract of land with PIN 03-20-30-100-002 on the South side of Windsor Road, in township 19 north, range 8 east of the third principal meridian in Champaign Township, commonly known as farmland owned by Foersterling Farms LLC.

Site Area: 35 acres

Time Schedule for Development: As soon as possible

Prepared by: **Charlie Campo**, Senior Planner
John Hall, Zoning Administrator
Trevor Partin, Associate Planner

BACKGROUND

The petitioner applied for a Special Use Permit to construct a 3.0 (MW) Community Photovoltaic (PV) Solar Farm on a 35-acre site on the south side of Windsor Rd in Champaign Township. The petitioners request waivers from standard conditions for the Special Use Permit. A Public hearing was held on September 25, 2025.

PUBLIC COMMENTS

- (1) On September 24, 2025, a phone call was received from Fountainhead Drainage District Commissioner Bob Barker, who requested that the access drive be relocated to avoid an existing crushed concrete stockpile that the District has on the site and uses for improvements to the drainage ditch in the area. The petitioner needs to work with the Drainage District to revise the entrance drive to accommodate the stockpile. No new information regarding the entrance has been provided.
- (2) On September 25, 2025, an email was received from Don Wauthier that expressed concerns with drainage on the site resulting from panel runoff and requesting that the Board require agricultural uses on the site in conjunction with the solar development.
- (3) On September 25, 2025, at the public hearing neighbor Bud Barker had concerns with weed control on the project site. The Vegetative Management Plan provided with the application on August 15, 2025 provided information regarding the control of weeds on the site.
- (4) On September 25, 2025, at the public hearing county resident Ted Hartke had concerns with noise generated by the project and requested the petitioners limit noise at the property line to 35 dB. He also had concerns with the cost of recycling of the solar panels at the end of the project life.
- (5) On September 25, 2025, at the public hearing county resident Joyce Mast expressed support of the project.
- (6) On September 25, 2025, at the public hearing county resident Cindy Shephard expressed support of the project and provided a letter expressing support signed by Alice Englebreetsen, Joyce Mast and Andrew Rehn.
- (7) On September 25, 2025, at the public hearing Champaign Township Supervisor Leah Taylor expressed support of the project in her role as the Supervisor and as a county resident and she expects to have a road use agreement in the future to protect Township roads during construction

REQUESTED WAIVERS

Waiver Part A is for locating the PV Solar Farm less than one and one-half miles from an incorporated municipality per 6.1.5 B.(2)a. and one-half mile from a municipal boundary. The subject property is within one-half mile of the City of Champaign, a municipality with zoning. Zoned municipalities do not have protest rights in Special Use Permit cases. Notice was sent by the Department to the City of Champaign. A copy of the Special Use permit application was provided to the City. A public hearing for a PV Solar Farm within one and one-half miles of a municipality with zoning shall occur at a minimum of two Board meetings no less than 28 days apart unless the requirement is waived by the relevant municipality.

Waiver Part B is for not entering into a Roadway Upgrade and Maintenance Agreement with the relevant local highway authority prior to consideration of the Special Use Permit by the ZBA, per Section 6.1.5 G. The site plan has been reviewed by the Champaign Township Highway Commissioner; however, a Roadway Upgrade and Maintenance Agreement has not been completed. A Special Condition has been added and states that a Roadway Upgrade and Maintenance Agreement

signed by relevant County, township, and/or municipal authorities and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.

Waiver Part C is for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in lieu of a letter of credit as required by the Zoning Ordinance. The Developer stated during the September 25, 2025 public hearing that they prefer to provide a surety bond as financial assurance but could provide a letter of credit if necessary.

In a recent solar farm Special Use Permit Case (Case 162-S-25) the petitioner requested to submit a surety bond in lieu of a letter of credit and the County Board required that the Developer provide an escrow account in lieu of a letter of credit rather than a surety bond.

ADDITIONAL INFORMATION REQUIRED

Staff has requested revisions to the Site Plan, and the Decommissioning Plan as well as some additional information regarding the submittal. The Developer is working on providing this information.

PROPOSED SPECIAL CONDITIONS

- A. **The approved site plan consists of the following documents:**
1. **Sheets EX1 Zoning Site Plan and Access Drive, Revision 1 of the revised Site Plan received September 22, 2025**

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. **A signed Decommissioning and Site Reclamation Plan that has been approved by 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:

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

- E. **Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer Mahomet Township Highway Commissioner and any other relevant highway jurisdiction, and approved by the Environment and Land Use Committee, or a waiver therefrom, 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.

- F. **Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**
1. **A qualified Drain Tile Contractor with experience in Illinois shall be employed to investigate, repair, and install any underground drain tile.**
 2. **Desktop mapping and field reconnaissance shall identify all areas where drain tiles 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.**
 3. **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.**
 4. **Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
 5. **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 and AIMA standards.**
 6. **Any tile found shall be protected from disturbance or repaired and/or relocated in a manner consistent with AIMA and the Zoning Ordinance.**
 7. **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.**
 8. **A Drain Tile Investigation Survey including a map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
 9. **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.

- 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. An irrevocable letter of credit (or surety bond, if a waiver is received) 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 within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 - 3. 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.**
 - 4. Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 - 5. 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.**
 - 6. The telephone number for the complaint hotline required by 6.1.5 S.**
 - 7. Any updates to the approved Site Plan from Case 175-S-25 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

3. **An executed interconnection agreement with the appropriate electric utility as required by Section 6.1.5 B.(3)b.**

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

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

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

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

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

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

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

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

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. **A Phase 1 archeological survey that complies with State Historic Preservation Office (SHPO) regulations including and investigations or changes to the site plan recommended by the SHPO, shall be submitted at the time of application for a Zoning Use Permit.**

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

Conformance with Illinois Department of Natural Resources requirements.

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended October 23, 2025.**

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

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

ATTACHMENT

- A **Draft Summary of Evidence, Finding of Fact and Final Determination for Case 175-S-25 dated November 13, 2025**

REVISED PRELIMINARY DRAFT

175-S-25

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

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

Date: ***{November 13, 2025}***

Petitioners: **Champaign CSG 1 LLC, c/o Dimension RE LLC, via agent Daniel Solorzano, and participating landowner Foersterling Farm LLC**

Request: **Authorize a Community PV Solar Farm with a total nameplate capacity of 3 megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning District, and including the following waivers of standard conditions:**

Part A: A waiver for locating the PV Solar Farm less than one and one-half miles from an incorporated municipality with a zoning ordinance and one-half mile from a municipal boundary per Section 6.1.5 B.(2)a.(a).

Part B: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals, per Section 6.1.5 G.(1).

Part C: A waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.

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 **September 25, 2025, and November 13, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. **Champaign CSG 1 LLC, c/o Dimension RE LLC**, 3050 Peachtree Rd. Suite 460, Atlanta GA 30305, via agent Daniel Solorzano, and participating landowner Foersterling Farm LLC, are the developers of the proposed PV Solar Farm.
2. The subject property is approximately 35 acres lying south and east of the Copper Slough drainage ditch on a 202-acre tract of land with PIN 03-20-30-100-002 on the South side of Windsor Road, described as The west half of the northwest fraction quarter of section 30 also described as lot 2 of the northwest fractional quarter of section 30; The east half of the northwest fractional quarter of Section 30, also described as lot 1 of the northwest fractional quarter of section 30; except all that part of the south 200 feet thereof lying east of the Copper Slough drainage ditch; and the west half of the northwest quarter of section 30, except the south 200 feet thereof; all in township 19 north, range 8 east of the third principal meridian in Champaign County, commonly known as farmland owned by Foersterling Farms LLC.
 - A. The proposed 3.0 MW Champaign CSG 1 site would cover approximately 17 acres at the southeast corner of the tract with an access drive from W. Windsor Rd.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. Zoned municipalities do not have protest rights in Special Use Permit cases. Notice of the public hearing was sent to the City.
 - (1) The City of Champaign Comprehensive Plan calls for “Future Neighborhood (Tier 2)” development in this area which is an area that has infrastructure and service needs but may be appropriate for development consideration once those needs are met.
 - B. The subject property is located within Champaign 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 subject property is zoned AG-1 Agriculture and is currently in agricultural production.
 - (1) The proposed PV SOLAR FARM would be located on approximately 35 acres lying south and east of the Copper Slough Drainage Ditch.
 - B. Land north of the subject property is zoned AG-1 Agriculture and is in use as residential and agriculture.
 - C. Land to the east and south of the subject property is zoned AG-1 Agriculture and is in agricultural production.

- D. Land west of the subject property is zoned AG-1 Agriculture and is in use as residential and agriculture.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the revised Site plan for the proposed Special Use received September 22, 2025:
- A. The Site Plan includes the following proposed features:
- (1) One 3.0-megawatt community PV SOLAR FARM site on approximately 17 acres; and
 - (2) 7-feet tall perimeter fence with gated security entrance; and
 - (3) Two equipment pads; and
 - (4) A 20 ft. wide gravel access road extending approximately 1,700 feet south from W. Windsor Rd; and
 - (5) The Point of Interconnection (POI) is proposed to connect to an existing power line on W. Windsor Rd; and
 - (6) The nearest residence is approximately 1800 feet from the solar farm fenced area; and
 - (7) There is a separation of 1700 feet between the PV SOLAR FARM perimeter fence and the street centerline of W. Windsor Rd.
- C. There are no previous Zoning Use Permits for the subject property.
- D. There are no previous Zoning Cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a “COMMUNITY PV SOLAR FARM” in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
- A. The County Board amended the Zoning Ordinance by adopting PV SOLAR FARM requirements when it adopted Ordinance No. 2018-4 on August 23, 2018.
- (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

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Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
 - (4) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
 - (5) “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.
- (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.

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- (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.
- (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.
- (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
- (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.
- (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
- (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
- (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
- (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
- (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
- (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.
- (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
- (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.

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

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

- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.

- H. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Illinois faces power shortages in the near future due to increasing demand for energy. Emerging developments such as data centers, industrial campuses, and other single-family subdivisions are driving energy demands. It is necessary for public convenience for more energy to be generated throughout the state to provide domestically-generated energy to these new developments while keeping energy prices down. Additionally, the project will provide necessary energy to the local community with no negative impacts to the health and wellbeing of the public. Furthermore, there is a need for sustainable energy generation to reach statewide sustainable energy goals as the Climate and Equitable Jobs Act of 2021 targeted a 100% renewable energy goal by 2050 and interim goals of 40% and 50% in 2030 and 2040, respectively. As of 2023 the state’s energy consumption was only 14% renewable.”**
 - 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.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:

- A. The Petitioner has testified on the application, **“The establishment, maintenance or operation of the project will not be detrimental to or endanger the health, safety, or general welfare of the public as the nature of the use is passive and does not generate any health or safety risks for the local community. The project will not have negative impacts to the land, the neighbors, district, or the public at large. Instead, the project will contribute positively to the welfare of the immediate adjacent properties and surrounding communities. The project is a passive use that does not produce any noxious fumes or odors and will generate no sound beyond the boundaries of the project site. Furthermore, the project is intentionally placed away from high-density commercial and residential uses, and the equipment is located at the center of the site to limit noise impacts to neighboring properties. The project will also result in clean energy production with positive outcomes for public health. Finally, the project will be enclosed by a locked fence and inaccessible to trespassers and vandals.**

Also, as noted above, the project will contribute to the general welfare of the neighborhood or community by paying significantly more in property taxes than the property currently generates, creating new local jobs, and injecting capital into the local economy. Finally, this use does not cause any additional administrative burden on the County.

Additionally, the proposed use will provide easy accessibility for fire apparatus and police protection. The site plan will be shared with the local fire department to ensure compliance with regulations and adequate access to the site to prevent fire hazards.”

- B. Regarding surface drainage, the PV SOLAR FARM fenced area generally drains toward the existing drainage ditch to the northwest of the project site and toward some low areas to the south.
- C. Regarding traffic in the subject property area:
- (1) The proposed solar farm would have one permanent access point on W. Windsor Rd. immediately to the east of the existing bridge.
 - (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. W. Windsor Rd had an ADT of 350 at the proposed entrance to the project site.

- (3) No significant increase in traffic is expected except during construction of the PV SOLAR FARM.
 - (4) The City of Champaign and the Champaign Township Highway Commissioner have been notified of this case.
 - (5) The petitioner has requested a waiver from the requirement for entering into a Roadway Upgrade and Maintenance Agreement or waiver thereof with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals. A special condition has been added to require a signed Roadway Upgrade and Maintenance Agreement prior to approval of a Zoning Use Permit.
- D. Regarding fire protection:
- (1) The subject property is approximately 3.7 road miles from the Scott Fire Protection District station (Bondville Fire Department).
 - (2) A notice regarding the Special Use Permit application was sent to the Bondville Fire Department which provides service to the eastern part of the Scott Fire Protection District. No comments have been received.
- E. Part of the subject property is located within a Special Flood Hazard Area. The fenced solar array area will be outside of the Special Flood Hazard Area. Part of the access drive will be located in the Special Flood Hazard Area.
- F. The subject property is considered Best Prime Farmland. The Natural Resource Information Report received August 15, 2025, states that the soil on the subject property consists of 152A Drummer silty clay, 198A Elburn silt loam, 206A Thorp silt loam, 330A Peotone silty clay, 663B Clare silt loam, and 679B Blackberry silt loam, and has an average Land Evaluation score of 92.7.
- G. Regarding outdoor lighting on the subject property, the application received August 15, 2025, states that there will be no permanent lighting systems on site.” A special condition has been added to ensure compliance for any future outdoor lighting installation.
- H. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed PV SOLAR FARM.
- I. Regarding parking, there is no required parking for the proposed PV SOLAR FARM.
- J. Regarding public comments received for the case:
- (1) On September 24, 2025, a phone call was received from Fountainhead Drainage District Commissioner Bob Barker, who requested that the access drive be relocated to avoid an existing crushed concrete stockpile that the District has on the site and uses for improvements to the drainage ditch in the area. The petitioner is working with the Drainage District to revise the entrance drive to accommodate the stockpile.

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- (2) On September 25, 2025, an email was received from Don Wauthier that expressed concerns with drainage on the site resulting from panel runoff and requesting that the Board require agricultural uses on the site in conjunction with the solar development.
 - (3) On September 25, 2025, at the public hearing neighbor Bud Barker had concerns with weed control on the project site.
 - (4) On September 25, 2025, at the public hearing county resident Ted Hartke had concerns with noise generated by the project and requested the petitioners limit noise at the property line to 35 dB. He also had concerns with the cost of recycling of the solar panels at the end of the project life.
 - (5) On September 25, 2025, at the public hearing county resident Joyce Mast expressed support of the project.
 - (6) On September 25, 2025, at the public hearing county resident Cindy Shephard expressed support of the project and provided a letter expressing support signed by Alice Englebreetsen, Joyce Mast and Andrew Rehn.
 - (7) On September 25, 2025, at the public hearing Champaign Township Supervisor Leah Taylor expressed support of the project in her role as the Supervisor and as a county resident and she expects to have a road use agreement in the future to protect Township roads during construction.
- 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, **“The project will follow all the setbacks and restrictions outlined by the County Zoning Ordinance. The solar development will be screened with existing vegetation on all sides and will not produce levels of sound that would be noticeable on adjacent parcels and fall within the limits of the Illinois Pollution Control Board. As a result, the design elements visible on other parcels will be essentially the same as in the existing use of farmland/agriculture. The proposed use will have minimal impact on the characteristics of the area, and will not alter the essential characteristics of the area. As stated above, the project will not substantially diminish property values for permitted uses in the immediate area.”**

- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
- (1) Section 5.2 authorizes a PV SOLAR FARM only by a County Board Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts. It is not permitted by right in any district.
 - (2) There is no required parking.
 - (3) Requirements for what must be included in the area of the PV SOLAR FARM Special Use Permit are in subparagraph 6.1.5 B.(1).
 - a. The Site Plan received August 15, 2025, 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 within 1.5 miles of the City of Champaign, a municipality with zoning. A waiver has been added.
 - ii. The subject property is not within the contiguous urban growth area of Champaign.
 - (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 Champaign on September 10, 2025, which included the Special Use Permit application. No comments have been received by the City of Champaign.
 - (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.

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- i. No waiver of that requirement from the City of Champaign has been received.
 - (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 September 25, 2025, ZBA public hearing was sent by P&Z Staff to the City of Champaign on September 10, 2025. City of Champaign staff were also notified of the receipt of the project application on September 16, 2025, by mail.
 - ii. No resolution from the City of Champaign has been received as of November 4, 2025.
- (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 has submitted information regarding an interconnection application with Ameren IL with their Special Use Permit application received August 15, 2025.
 - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR FARM prior to issuance of the Zoning Compliance Certificate.
- (6) Requirements regarding Right to Farm can be found in Subparagraph 6.1.5 B.(4): “The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.”
 - a. A special condition has been added to ensure compliance.
- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:
 - a. Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV

SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

- (8) Requirements regarding minimum separations for PV SOLAR FARMS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.
- a. The Site Plan received August 15, 2025, 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 Site Plan received August 15, 2025, demonstrates compliance with the 55 feet setback from the centerline of W. Windsor Rd., which is a MINOR 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 are five lots along the north and west side of the subject property that are 10 acres or less in lot area. The Site Plan received August 15, 2025, shows compliance with the 240-foot required separation between the PV SOLAR FARM fence and those property lines.

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- (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 Site Plan received August 15, 2025, 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. The perimeter fencing of the PV SOLAR FARM is at least 255 feet from any existing DWELLING or PRINCIPAL BUILDING.
 - 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 additional separations proposed at this time.
- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation.
 - i. There is no AIRPORT or RESTRICTED LANDING AREA within 500 feet of the subject property.
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
 - i. There are no new substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall require specific approval and may require special sound deadening construction and noise analysis.
 - i. The inverters shown on the Site Plan received September 22, 2025, are approximately 248 feet away from the nearest section of PV SOLAR FARM perimeter fence and 318 feet away from the nearest property line.
 - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the Site Plan received September 22, 2025:
 - (i) The inverters are located toward the center of the array area. The distance between an inverter and the closest dwelling is approximately 2000 ft. away.
 - 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,

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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 20 feet in height at maximum tilt.
 - 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 a 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 Site Plan received August 15, 2025, 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) No buildings have been proposed.
 - 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 components of the PV SOLAR FARM will comply with the current edition of the State and National Electric Code.”
 - (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.

- (a) The petitioner indicated on the Site Plan received August 15, 2025, panel height will not exceed 20 ft. at full tilt.
- 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 indicated in the application received August 15, 2025 that signage containing necessary contact and safety information will be displayed in accordance with local codes.
- 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) There is a liquid propane gas that runs underneath the subject property. No construction will intrude on the easement for the pipeline.
 - (b) The subject property does not have a connection to public sewer or water.
 - (c) The Copper Slough drainage ditch crosses the subject property. No construction except a small portion of the access drive will intrude on the easement for the drainage ditch.
- (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 August 15, 2025, states that the soil on the subject property consists of 152A Drummer silty clay, 198A Elburn silt loam, 206A Thorp silt loam, 330A Peotone silty clay, 663B Clare silt loam, and 679B Blackberry silt loam, and has an average Land Evaluation score of 92.7.
 - 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). The petitioner submitted a signed, AIMA dated July 11, 2025. 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 January 3, 2025, "Another benefit may include native pollinator-friendly plantings that improve water quality and biodiversity."

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- (a) A Vegetative Management Plan and weed control plan was received as part of the Special Use Permit Application on August 15, 2025.
- 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 August 15, 2025, 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 August 15, 2025, includes an Agricultural Impact Mitigation Agreement that establishes rerouting and permanent repair of agricultural drainage tiles.
- f. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
 - (a) The Agricultural Impact Mitigation Agreement dated July 11, 2025, 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.
 - (a) The Agricultural Impact Mitigation Agreement dated July 11, 2025, 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 Agricultural Impact Mitigation Agreement dated July 11, 2025, details how the facility owner must mitigate compaction and rutting.
- i. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
 - (a) The Special Use Permit Application received August 15, 2025 states that the site will require minimal grading.

- j. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
 - (a) The Agricultural Impact Mitigation Agreement dated July 11, 2025, details how the facility owner must mitigate erosion and sedimentation.
 - k. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
 - (a) The Agricultural Impact Mitigation Agreement dated July 11, 2025, details how topsoil is to 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 Vegetative Management Plan was received as part of the Special Use Permit Application on August 15, 2025.
 - m. The petitioner confirmed in an email to staff on January 3, 2025, that the Existing Agricultural Drain Tile Investigation Plan is intended to be the “Farmland Drainage Plan” required by 55ILCS5/5-12020.
- (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 requested to require 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 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.

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- (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 3.7 road miles from the Scott Fire Protection District station (Bondville Fire Department).
 - b. A copy of the Site Plan was sent to the Bondville Fire Department Chief via email on September 17, 2025. 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 Noise Study received with the application on August 15, 2025, “Modeled operational octave band sound pressure levels at surrounding Class A properties (i.e. residences and recreational areas) are not anticipated to exceed the limits established by the IPCB; therefore, noise mitigation is not recommended at this time.”
 - b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
 - (a) The project size is 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 was submitted with the Special Use Permit Application received August 15, 2025, and states that noise from the project will be within IPCB limits.
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
 - a. The petitioner conducted an IPaC coordination with the U.S. Fish and Wildlife Service (USFWS) (2025). The results of the effort identified seven federally endangered, threatened, proposed, candidate, species as potentially occurring within the Project Area or surrounding region.
 - b. The petitioner submitted an EcoCAT review request to the Illinois Department of Natural Resources (IDNR) in June 2024 for information regarding state-listed threatened or endangered species. The request (IDNR #2416313) identified no records of state-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Natrue Preserves or registered Land and Water Reserves within the Project Area

and surrounding vicinity. The petitioner received a letter dated June 10, 2024, terminating the consultation.

- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
 - a. The petitioner stated in their application, “The project received a response from the State Historical Preservation Office on 7/24/24 that determined that a portion of the project area is within a zone adjacent to the Phinney Branch of Copper Slough with a high probability of containing significant archeological resources. A Phase I archeological survey will be conducted in accordance with SHPO requirements”
 - b. A letter from the Illinois State Historic Preservation Office (SHPO) dated July 24, 2024, was included with the Special Use Permit Application received August 15, 2025.
 - c. A special condition has been added to require a Phase I archeological survey to be conducted in accordance with SHPO requirements prior to approval of a Zoning Use Permit.
- (16) Paragraph 6.1.5 L. states: “The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality.”
 - a. The petitioner stated in their application, “The project will be designed such that federally listed species will not be significantly impacted. Prior to construction, consultation with the USFWS will occur to confirm a “No Effect” determination for these species”
- (17) Paragraph 6.1.5 M. contains standard conditions for screening and fencing.
 - a. Subparagraph 6.1.5 M.(1) requires the PV SOLAR FARM to have perimeter fencing that is at least 7 feet tall, with Knox boxes and keys provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.
 - (a) The petitioner stated in their application, “A fence of at least seven feet shall fully enclose and secure the PV Solar Farm. Furthermore, knox boxes and keys shall be provided at locked entrances for emergency access.”
 - (b) A Vegetative Management Plan was submitted with the application on August 15, 2025, which includes information regarding the 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.

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- i. There are no dwellings or residential districts within 1,000 feet of the proposed solar farm.
- (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 PV Solar Farm will be designed, constructed and sited to minimize glare or reflections on adjacent properties and roadways and to not interfere with traffic, including air traffic, or otherwise create a safety hazard. The project is designed to meet the required setbacks and the proposed solar panels include an anti-reflective coating. Utilizing these measures, the project will not adversely affect nearby properties or traffic. A glare study prepared for ForgeSolar is included.”
- (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 as part of the Special Use Permit Application.
 - b. Documentation of liability insurance that complies with Section 6.1.5 O. will be required prior to approval of a Zoning Use Permit. A special condition has been added.
- (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 regarding water usage as part of the Special Use Permit Application. A well for onsite water has not been proposed.
 - 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 August 15, 2025, includes a Vegetative Management Plan which includes information on control of noxious weeds.
 - (b) The Agricultural Impact Mitigation Agreement received with the application on August 15, 2025, contains information on weed control.
 - (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 Decommissioning and Site Reclamation Plan with their application received August 15, 2025. The Plan was not signed by an Illinois Licensed Engineer.
 - (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 August 15, 2025, states, "Financial assurance shall be provided in the form of a surety or like bond."
 - ii. The Petitioner has requested a waiver for providing financial assurance for the Decommissioning and Site Reclamation

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Plan in the form of a surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.

- (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 August 15, 2025.
- (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 August 15, 2025, includes reference to a surety bond.
 - ii. The Petitioner has requested a waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety or like bond, in-lieu of a letter of credit per Section 6.1.5 Q.
- (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. The Petitioner's Decommissioning and Site Reclamation Plan received January 3, 2025, states, "We understand that the surety bond will be placed in an amount set at 125% of the estimate as required by the county ordinance."
 - ii. Public Act 102-1123 requires financial assurances for decommissioning to be limited to 100% of the estimated costs for decommissioning.
 - iii. The Petitioner has requested a waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety or like bond, in-lieu of a letter of credit per Section 6.1.5 Q.
- (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 Plan received August 15, 2025, did not reference these items.
 - ii. The Petitioner has requested a waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety or like bond, in-lieu of a letter of credit per Section 6.1.5 Q.
- (h) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
 - (a) The Decommissioning Plan received August 15, 2025, includes removal of access roads.
 - (b) The Decommissioning Plan received August 15, 2025, did not reference provisions for repairs to any public STREET.
 - (c) A signed road use agreement between the developer and any relevant highway jurisdiction will be required prior to the approval of a Zoning Use Permit.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
 - (a) The Decommissioning Plan received August 15, 2025, did not reference the requirements of 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.

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- (b) The Petitioner has requested a waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety or like bond, in-lieu of a letter of credit per Section 6.1.5 Q.
 - 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 Plan received August 15, 2025, did not reference the requirements of 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 Plan received August 15, 2025, did not reference the requirements of 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 submitted a signed AIMA on August 15, 2025. 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 August 15, 2025.
 - 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 August 15, 2025, 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 September 22, 2025, appears to demonstrate compliance with this requirement.
 - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 B.(1).
 - i. The revised Site Plan received September 22, 2025, appears to demonstrate compliance with this requirement.
 - (c) The location of all below-ground wiring.
 - i. The revised Site Plan received September 22, 2025, 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 September 22, 2025, does not address 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

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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 September 22, 2025, 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 City of Champaign confirmed receipt of a copy of the Special Use Permit application on September 11, 2025.
- f. Subparagraph 6.1.5 U.(1)f. requires that a municipal resolution regarding the PV SOLAR FARM by any municipality located within one-and-one-half miles of the PV SOLAR FARM must be submitted to the ZONING ADMINISTRATOR prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board as required by Section 6.1.5 B.(2)a.(c).
 - (a) Notice of the September 25, 2025, public hearing was sent by P&Z Staff to the City of Champaign on September 10, 2025. City of Champaign staff were also sent a copy of the Special Use Permit application on September 11, 2025, by email.
 - (b) No resolution from the City of Champaign has been received as of November 4, 2025.
- 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 has submitted an interconnection application to Ameren which has been accepted.
 - (b) A special condition has been added to ensure compliance.
 - h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.
 - (a) The P&Z Department received a Special Use Permit application and associated documents including a preliminary Site Plan on August 15, 2025.
 - (b) Revised documents and plans have been submitted to the Department and the latest versions provided to the Board prior to each public hearing.
 - 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) The petitioner included a signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture dated July 11, 2025, received August 15, 2025.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
 - (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
 - (2) Regarding the SWMEC requirement to protect agricultural field tile, see the review of compliance with paragraph 6.1.5 F. that contains standard conditions to mitigate damage to farmland.
- D. Regarding the Special Flood Hazard Areas Ordinance, a part of the subject property is located within a Special Flood Hazard Area. A small part of the access drive is located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Champaign's subdivision jurisdiction. The petitioner has been in contact with the City regarding subdivision requirements.
- 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-1 Agriculture District because it is only authorized in the AG-1 and AG-2 Districts.

- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a county ordinance or policy, and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
 - (1) A special condition has been added to ensure that the project meets the Illinois Accessibility Code prior to issuance of a Zoning Compliance Certificate.

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-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the districts provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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 except for one instance where the petitioner has requested a waiver.

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

Other than additional traffic during construction and/or decommissioning of the PV SOLAR FARM, no significant increase in traffic is anticipated.
- (6) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
 - a. A small portion of the access drive is located 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 regard to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

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- b. In regard 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. Public comments related to the proposed solar farm received during the public hearing are summarized in Item 8 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.

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-1 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 did not identify any protected resources that might be in the vicinity of the proposed PV Solar Farm. No further action is required by IDNR regarding natural resources.

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

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

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 B of the proposed waivers, for a separation distance of less than one-half mile from an incorporated municipality:

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- (1) The City of Champaign is aware of the proposed project and in an email received and has not submitted any comments in opposition to the project.
- B. Regarding Part A of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals:
 - (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.
- C. Regarding Part D of the proposed waivers, for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit:
 - (1) In the Decommissioning Plan submitted with the Special Use Permit Application Received August 15, 2025, the applicant included information regarding the surety bond and the financial assurance for the decommissioning of the project.
 - (2) A special condition has been added requiring the applicant to submit a Decommissioning and Site Reclamation Plan approved by ELUC at the time of application for a Zoning Use Permit.

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 a separation distance of less than one-half mile from an incorporated municipality, the PV SOLAR FARM could not be located on the subject property.
 - B. Without Part B of the proposed waivers for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals, the Special Use Permit process might have to be extended in order to have sufficient time to prepare these documents.
 - C. Without Part C of the proposed waivers for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit the petitioner would have to provide a different means of financial assurance that could be difficult for them to obtain.

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

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. Regarding Part A of the proposed waivers for a separation distance of less than one-half mile from an incorporated 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 not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals:
 - (1) The petitioner is working with relevant jurisdictions to receive either an agreement or a waiver from this requirement.
 - C. Regarding Part C of the proposed waivers for locating the PV Solar Farm 65 feet from a non-participating lot that is 10 acres or less in area in lieu of the minimum required separation of 240 feet between the solar farm fencing and the property line:
 - (1) The petitioners were made aware of this requirement when they applied for the Special Use Permit.

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 not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
 - B. Regarding Part B of the proposed waivers for a separation distance of less than one-half mile from an incorporated municipality: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
 - C. Regarding Part C of the proposed waivers for locating the PV Solar Farm 65 feet from a non-participating lot that is 10 acres or less in area in lieu of the minimum required separation of 240 feet between the solar farm fencing and the property line: the requested waiver (variance) is 27% of the minimum required, for a variance of 73%.
 - D. Regarding Part D of the proposed waivers for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit: 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

PRELIMINARY DRAFT

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The City of Champaign, Champaign Township, have been notified of this case.
 - (1) The Township Supervisor stated that in discussion with the Township Highway Commissioner they were not opposed to the project and are confident that they will work out a road use agreement with the petitioner prior to the issuance of a Zoning Use Permit.
 - B. The Scott Fire Protection District (Bondville) has been notified of this case, and no comments have been received.
 - (1) The petitioners sent the Site Plan to the Scott FPD Chief Adam Shaw who had comments on the plan. The petitioner will submit written responses.
 - C. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:
- A. **The approved site plan consists of the following documents:**
 - 1. **Sheets EX1 Zoning Site Plan and Access Drive, Revision 1 of the revised Site Plan received September 22, 2025**

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. **A signed Decommissioning and Site Reclamation Plan that has been approved by 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:

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

- E. Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer Mahomet Township Highway Commissioner and any other relevant highway jurisdiction, and approved by the Environment and Land Use Committee, or a waiver therefrom, 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.

- F. Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**
- 1. A qualified Drain Tile Contractor with experience in Illinois shall be employed to investigate, repair, and install any underground drain tile.**
 - 2. Desktop mapping and field reconnaissance shall identify all areas where drain tiles 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.**
 - 3. 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.**
 - 4. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
 - 5. 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 and AIMA standards.**
 - 6. Any tile found shall be protected from disturbance or repaired and/or relocated in a manner consistent with AIMA and the Zoning Ordinance.**
 - 7. 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.**

PRELIMINARY DRAFT

8. **A Drain Tile Investigation Survey including a map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
9. **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.

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. **An irrevocable letter of credit (or surety bond, if a waiver is received) 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 within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
3. **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.**
4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
5. **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.**
6. **The telephone number for the complaint hotline required by 6.1.5 S.**
7. **Any updates to the approved Site Plan from Case 175-S-25 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

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

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

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

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

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

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

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

PRELIMINARY DRAFT

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 Phase 1 archeological survey that complies with State Historic Preservation Office (SHPO) regulations including and investigations or changes to the site plan recommended by the SHPO, shall be submitted at the time of application for a Zoning Use Permit.**

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

Conformance with Illinois Department of Natural Resources requirements.

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended October 23, 2025.**

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

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

DOCUMENTS OF RECORD

1. Special Use Permit Application received August 15, 2025, with attachments:
 - A Contact Information and Proof of Land Ownership
 - B Zoning Site Plan
 - C Vegetative Management Plan
 - D Decommissioning Plan
 - E State Historic Preservation Office (SHPO) Response
 - F Agricultural Impact Mitigation Agreement (AIMA)
 - G Glare Study
 - H Federal Aviation Agency (FAA) Notice of Criteria
 - I Illinois Department of Natural Resources (IDNR) ECOCAT
 - J Ecosphere Information for Planning and Consultation (IPAC)
 - K Soil and Water Conservation District NRI Report and LESA
 - L Transportation and Access Plan
 - M Noise Study
 - N Health and Safety Studies
 - O Hydrologic Response of Solar Farms
 - P FEMA Firmette
 - Q Operation and Maintenance & Emergency Response Plan
 - R USACE No Permit Required and Approved Jurisdictional Determination
 - S Drain Tile Survey

- T Manufacturer's Specifications
- U Level 2 Wetland Delineation
- V AMEREN Correspondence

2. Preliminary Memorandum dated September 18, 2025, with attachments:
 - A Case Maps (Location Map, Land Use, and Zoning)
 - B 2023 Annotated Aerial Photo with Floodplain
 - C Site Images taken September 18, 2025
 - D Special Use Permit Application
3. Sheets EX1 Zoning Site Plan and Access Drive, Revision 1 of the revised Site Plan received September 22, 2025
4. Public Comments provided to Board as a handout on September 25, 2025:
 - A Email from Don Wauthier received September 25, 2025
 - B Handout from Cindy Shepherd received September 25, 2025
5. Public Comments received after the September 25, 2025, public hearing:
 - A Email from Ted Hartke with IPCB presentation regarding noise limits provided to Board at the October 16, 2025 meeting.

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **175-S-25** held on **September 25 and November 13, 2025**, 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 3.7 miles from the Bondville fire station.*
 - b. *Chief Adam Shaw with the Scott Fire Protection District (Bondville) has reviewed the site plan.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - a. *The proposed project is surrounded by land in agricultural production and the nearest residence is approximately 1800 feet from the PV SOLAR FARM fenced area.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:
 - a. *Only a small section of the access driveway 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.*

- h. Existing public services **{ARE/ARE NOT}** available to support the proposed SPECIAL USE without undue public expense **{because*}**:
 - a. ***No additional public services are necessary for the proposed development.***
- i. Existing public infrastructure together with the proposed development **{IS/IS NOT}** adequate to support the proposed development effectively and safely without undue public expense **{because*}**:
 - a. ***No new public infrastructure is required for the proposed development.***

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** conform to the applicable regulations and standards of the DISTRICT in which it is located, subject to approval of the requested waivers.
- 3b. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to **{CONFORM / NOT CONFORM}** to all relevant County ordinances and codes.
 - b. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses.
 - c. Public safety will be **{ADEQUATE / INADEQUATE}**.
- 4. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit **{IS/ IS NOT}** necessary for the public convenience at this location.
 - c. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL / WILL NOT}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use **IS NOT** an existing nonconforming use.
- 6. Regarding necessary waivers of standard conditions:
Per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved individually or *en masse* by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described.”
 - A. Regarding Part A of the proposed waivers for a separation distance of less than one-half mile from an incorporated municipality:

PRELIMINARY DRAFT

- (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 nearest area of the solar farm is approximately 650 feet from the City of Champaign.***
 - b. ***The requested waiver (variance) is 12% of the minimum required, for a variance of 88%.***
 - c. ***Relevant jurisdictions have been notified of this case. The City of Champaign has not submitted any objection to this development.***
 - d. ***Neighboring landowners have been notified of this case, some expressed concerns about landscape maintenance to prevent weeds on the site.***
 - (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 location has access to the powerlines along Windsor Rd., is separated from the farmland to the west by an existing drainage ditch and uses to the east by high-voltage transmission lines and is set back and takes advantage of the existing vegetative screening along the railroad and the property to the east and is set back 1/3 mile from Windsor Rd.***
 - (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 location has access to the powerlines along Windsor Rd. and takes advantage of the existing surrounding easements to provide separation to nearby uses.***
 - (5) The requested waiver ***{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 not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals:
- (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 the Champaign Township Highway Commissioner on either a waiver or a Roadway Upgrade and Maintenance Agreement.***
 - b. ***A special condition has been added requiring this information prior to approval of a Zoning Use Permit.***
 - (1) 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.***
 - (2) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioner is working with the Champaign Township Highway Commissioner to receive either an agreement or a waiver from this requirement.***
 - (3) 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.***
- C. Regarding Part C of the proposed waivers for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit:
- (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. ***The developer will provide financial assurance for decommissioning in the form of a surety bond.***
 - (1) 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:
 - (2) 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 developer will have to provide a different form of financial assurance for decommissioning.***

PRELIMINARY DRAFT

- (3) The special conditions, circumstances, hardships, or practical difficulties **DO** result from actions of the applicant because:
 - a. *The petitioners were made aware of this requirement when they applied for the Special Use Permit.*
 - b. *The petitioner has testified that they prefer to use a surety bond but can use a letter of credit if required.*
- (4) The requested waiver **IS NOT** the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. *The petitioner has testified that they prefer to use a surety bond but can use a letter of credit if required.*

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:
 - 1. Sheets EX1 Zoning Site Plan and Access Drive, Revision 1 of the revised Site Plan received September 22, 2025

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. A signed Decommissioning and Site Reclamation Plan that has been approved by 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:

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

- E. Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer Mahomet Township Highway Commissioner and any other relevant highway jurisdiction, and approved by the Environment and Land Use Committee, or a waiver therefrom, 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.

- F. Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**
- 1. A qualified Drain Tile Contractor with experience in Illinois shall be employed to investigate, repair, and install any underground drain tile.**
 - 2. Desktop mapping and field reconnaissance shall identify all areas where drain tiles 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.**
 - 3. 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.**
 - 4. Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
 - 5. 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 and AIMA standards.**
 - 6. Any tile found shall be protected from disturbance or repaired and/or relocated in a manner consistent with AIMA and the Zoning Ordinance.**
 - 7. 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.**
 - 8. A Drain Tile Investigation Survey including a map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**

9. **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.

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. **An irrevocable letter of credit (or surety bond, if a waiver is received) 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 within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
3. **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.**
4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
5. **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.**
6. **The telephone number for the complaint hotline required by 6.1.5 S.**
7. **Any updates to the approved Site Plan from Case 175-S-25 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

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

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

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

1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from the PV SOLAR FARM to the substations(s), and layout of all structures within the geographical boundaries of any applicable setback.**

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

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

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

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

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

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

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

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

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

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- L. **A Phase 1 archeological survey that complies with State Historic Preservation Office (SHPO) regulations including and investigations or changes to the site plan recommended by the SHPO, shall be submitted at the time of application for a Zoning Use Permit.**

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

Conformance with Illinois Department of Natural Resources requirements.

- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended October 23, 2025.**

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

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

FINAL DETERMINATION

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

The Special Use requested in Case **175-S-25** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}** to the applicant, **Champaign CSG 1 LLC, c/o Dimension RE LLC**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

Authorize a Community PV Solar Farm with a total nameplate capacity of 3 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 and one-half miles from an incorporated municipality with a zoning ordinance and one-half mile from a municipal boundary per Section 6.1.5 B.(2)a.(a).

Part B: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Zoning Board of Appeals, per Section 6.1.5 G.(1).

Part C: A waiver for providing financial assurance for the Decommissioning and Site Reclamation Plan in the form of a surety bond, in-lieu of a letter of credit per Section 6.1.5 Q.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. The approved site plan consists of the following documents:**
 - 1. Sheets EX1 Zoning Site Plan and Access Drive, Revision 1 of the revised Site Plan received September 22, 2025**
- 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. A signed Decommissioning and Site Reclamation Plan that has been approved by 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.**

- E. **Roadway Upgrade and Maintenance Agreements signed by the County Highway Engineer Mahomet Township Highway Commissioner and any other relevant highway jurisdiction, and approved by the Environment and Land Use Committee, or a waiver therefrom, shall be submitted at the time of application for a Zoning Use Permit.**
- F. **Underground drainage tile shall be investigated and identified with any necessary changes made to the solar array as follows:**
 - 1. **A qualified Drain Tile Contractor with experience in Illinois shall be employed to investigate, repair, and install any underground drain tile.**
 - 2. **Desktop mapping and field reconnaissance shall identify all areas where drain tiles 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.**
 - 3. **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.**
 - 4. **Drain tile routes shall be located by surface probing or electronic detection and field staked at 20 feet intervals.**
 - 5. **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 and AIMA standards.**
 - 6. **Any tile found shall be protected from disturbance or repaired and/or relocated in a manner consistent with AIMA and the Zoning Ordinance.**
 - 7. **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.**
 - 8. **A Drain Tile Investigation Survey including a map of all identified drain tile and a revised site plan to reflect any changes to the layout of the solar array shall be submitted to the Zoning Administrator prior to Zoning Use Permit Approval.**
 - 9. **Future access shall be guaranteed for maintenance of all mutual drain tiles.**
- 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. **An irrevocable letter of credit (or surety bond, if a waiver is received) 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 within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 3. **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.**
 4. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 5. **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.**
 6. **The telephone number for the complaint hotline required by 6.1.5 S.**
 7. **Any updates to the approved Site Plan from Case 175-S-25 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
- H. A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going into commercial production of energy. Approval of a Zoning Compliance Certificate shall require the following:**
1. **An as-built site plan of the PV SOLAR FARM including structures, property lines (including identification of adjoining properties), as-built separations, public access road and turnout locations, substation(s), electrical cabling from 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 Phase 1 archeological survey that complies with State Historic Preservation Office (SHPO) regulations including and investigations or changes to the site plan recommended by the SHPO, shall be submitted at the time of application for a Zoning Use Permit.**
- M. **The terms of approval are the requirements of the current Section 6.1.5 of the Zoning Ordinance as amended October 23, 2025.**

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