

ELUC ADDENDUM

County of Champaign, Urbana, Illinois
Thursday, February 7, 2019 – 6:30 p.m.

Lyle Shields Meeting Room, Brookens Administrative Services
1776 East Washington Street, Urbana, Illinois

Agenda Item

VIII. **New Business: Items to Be Recommended to the County Board**

D. Zoning Case 922-S-18. A request by SolAmerica Energy LLC, 1819 Peachtree Road, Suite 100, Atlanta, GA 30309 via agent Ryan Peters, Environmental Engineer with SolAmerica Energy, with Executive Chairman and Co-Founder, R. Stanley Allen; President and Co-Founder, George Mori; and participating landowner Phyllis Jane Sinclair, 290 Chase St, Sonoma CA 95476-7155, to authorize one Community PV Solar Farm with a nameplate capacity of 2 megawatts (MW) and occupying approximately 14.6 acres, including access road and wiring, in the AG-2 Agriculture Zoning District. The subject property is a 75.33-acre tract in the Southeast Quarter of the Northwest Quarter of Section 9, Township 18 North, Range 14 West of the Second Principal Meridian in South Homer Township, and commonly known as the property bordered by the Norfolk-Southern railroad tracks to the north, the Village of Homer to the west, CR1050N to the south, and the Vermilion County line to the east. The following waivers of standard conditions are necessary:

Part A: A waiver for a distance of 1,340 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. of the Zoning Ordinance.

Part B: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3. of the Zoning Ordinance.

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

Part D: A waiver for not including a Landscape Plan as part of the Special Use Permit application, per Section 6.1.5 F.(9)a.(b)iv. of the Zoning Ordinance.

Part E: A waiver for not including a Weed Control Plan as part of the Special Use Permit application, per Section 6.1.5 P.(3). Of the Zoning Ordinance.

To: **Environment and Land Use Committee**

From: **John Hall, Director & Zoning Administrator**
Susan Burgstrom, Senior Planner

Date: **February 1, 2019**

RE: **Case 922-S-18 PV Community Solar Farm**

Request: **A request by SolAmerica Energy LLC, 1819 Peachtree Road, Suite 100, Atlanta, GA 30309 via agent Ryan Peters, Environmental Engineer with SolAmerica Energy, with Executive Chairman and Co-Founder, R. Stanley Allen; President and Co-Founder, George Mori; and participating landowner Phyllis Jane Sinclair, 290 Chase St, Sonoma CA 95476-7155, to authorize one Community PV Solar Farm with a nameplate capacity of 2 megawatts (MW), including access road and wiring, in the AG-2 Agriculture Zoning District. The subject property is a 75.33 acre tract in the Southeast Quarter of the Northwest Quarter of Section 9, Township 18 North, Range 14 West of the Second Principal Meridian in South Homer Township, and commonly known as the property bordered by the Norfolk-Southern railroad tracks to the north, the Village of Homer to the west, CR 1050N to the south, and the Vermilion County line to the east. The following waivers of standard conditions are necessary:**

Part A: A waiver for a distance of 1,340 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. of the Zoning Ordinance.

Part B: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3.

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

Part D: A waiver for not including a Landscape Plan as part of the Special Use Permit application, per Section 6.1.5 F.(9)a.(b)iv.

Part E: A waiver for not including a Weed Control Plan as part of the Special Use Permit application, per Section 6.1.5 P.(3).

BACKGROUND

At the January 31, 2019 public hearing, the ZBA recommended Case 922-S-18 for approval with four votes in favor and no votes opposed, with one member absent. A summary of public testimony from the hearing can be found below. Approved special conditions can be found in Attachment C: Approved Finding of Fact.

The petitioner applied for a Special Use Permit to construct one 2-megawatt (MW) Photovoltaic (PV) Community Solar Farm on the north side of CR 1050N (East South Street) on a 75.33-acre property. The “Champaign Sinclair” solar farm is proposed to have approximately 8,300 solar modules and approximately 35 62kW string inverters surrounded by a 7 feet tall wire fence with a security gate. Access would be from CR 1050N via a 20-foot wide gravel access road.

The Illinois Future Energy Jobs Act (FEJA) went into effect on June 1, 2017. Solar farm developers have been establishing lease options with area landowners since that time. The owner of the subject property signed a lease agreement with SolAmerica Energy LLC on October 17, 2017. The petitioners state that the project will only occur if they are chosen in the State of Illinois lottery for Renewable Energy Credits (RECs). The first round of the lottery opened on January 30, 2019, and a second round opening date has not been announced.

REQUESTED WAIVERS

Waiver Part A is for a distance of 1,340 feet in lieu of the minimum required one-half mile (2,640 feet) between the PV Solar Farm and a municipal boundary, per Section 6.1.5 B.(2)a. of the Zoning Ordinance. This waiver was added because the Village of Homer has not submitted a resolution or comments to the P&Z Department. Village of Homer Clerk Sharon Jeffers has stated via email that the Village received the Special Use Permit application, and that no comments from the public were received at a Village of Homer board meeting on January 14, 2019. She also said that at a prior meeting, someone from Ogden expressed their concerns, but Ms. Jeffers did not provide details.

- At the public hearing, ZBA members made the following findings for Waiver Part A: “the proposed solar farm is located more than 1,500 feet from the nearest dwelling, there is a grain elevator between the site and the village, it is located near the village sewer treatment facility, and is located near the Norfolk Southern railroad tracks. It has access to a substation that has available capacity and a transmission line that can be economically converted to the necessary 3-phase line, and the site is located entirely within one-half mile of a municipality, so without the waiver it could not be constructed in this location. The project is located the furthest away possible from the Village or the nearest residence while still being in Champaign County.”

Waiver Part B is for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3. The petitioner provided a draft template Decommissioning Plan, but it did not include estimates for decommissioning in the application received November 1, 2018. Special Condition E has been added and states that ELUC can approve the DSR Plan in the event that the Special Use Permit is granted prior to receiving the Plan.

Waiver Part C is for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G. No information has been provided regarding how South Homer

Township intends to proceed with this requirement, and their decision might not come before the Board is prepared to make a final determination. Special Condition F has been added and states that ELUC can approve the Agreement in the event that the Special Use Permit is granted prior to receiving the executed agreement.

Waiver Part D is for not including a Landscape Plan with the Special Use Permit application, per Section 6.1.5 F.(9)a.(b)iv. The petitioner plans to have an ecological/landscape consultant evaluate the property during the construction permitting process. Special Condition G has been added that states that ELUC can approve the Landscape Plan.

Waiver Part E is for not including a Weed Control Plan as part of the Special Use Permit application, per Section 6.1.5 P.(3). The petitioner plans to have an ecological/landscape consultant evaluate the property during the construction permitting process. Special Condition G has been added that states that ELUC can approve the Weed Control Plan as part of the Landscape Plan.

- At the January 31, 2019 public meeting, the Board determined that waiver parts B through E were all temporary waivers that were needed only because the County's approval schedule does not square up with when final engineering design and estimates would be available. For this reason, the same findings were made applicable to each of these waivers. The following findings were made for waiver parts B through E: "The project viability is subject to the receipt of Renewable Energy Credits (RECs) in a lottery conducted by the Illinois Power Agency, and it would be impractical to require the submissions before the applicants even know if the project will go forward. Each of these waivers are subject to compliance prior to issuance of the Zoning Use Permit."

PUBLIC COMMENTS FROM THE JANUARY 31, 2019 ZBA MEETING

One resident attended the meeting. No one representing the Village of Homer or any local agency such as a drainage district or township attended the meeting.

Lora Judy, 2763 CR 1050N, Homer, stated that she lives in the closest residence to the proposed solar farm. She stated that she was not notified by the petitioner, the Village of Homer, or anyone other than receiving a notice for the ZBA meeting. She said that she had concerns about cancer risk from the solar modules and radiation. She said that the solar farm would be an eyesore, but perhaps the petitioners would take care of that with plants and barriers. She is concerned about decreased property values, and is not excited about this project. She asked why this project would be located on good farm ground instead of many other places that would be miles from affecting anyone. She asked if the energy would stay local.

P&Z Staff note the following regarding her concerns:

- Ms. Judy's residence is approximately 1,700 feet from the proposed solar farm fence. This is beyond the 1,000 feet within which any screening is required. The petitioners do not plan to put up screening except for the 7 feet tall security fence. The Board can require screening if they feel it is warranted, but the ZBA members did not require it as a special condition.
- Ryan Peters, an engineer with SolAmerica, stated that he is not aware of any cancer risk from the type of solar modules they plan to use, which are made of crystalline silicon. Other types of solar panels made of cadmium telluride have chemicals that might leach, but they will not be used.

- Regarding property values, the ZBA reviewed two property value impact studies during the public hearings for the PV SOLAR FARM text amendment approved on August 23, 2018, and found no direct evidence indicating that solar farms have a negative effect on property values.
- Regarding the location of the solar farm, Ryan Peters stated that the solar farms must be close to substations that have 3-phase power to be feasible, and those substations are located near towns.

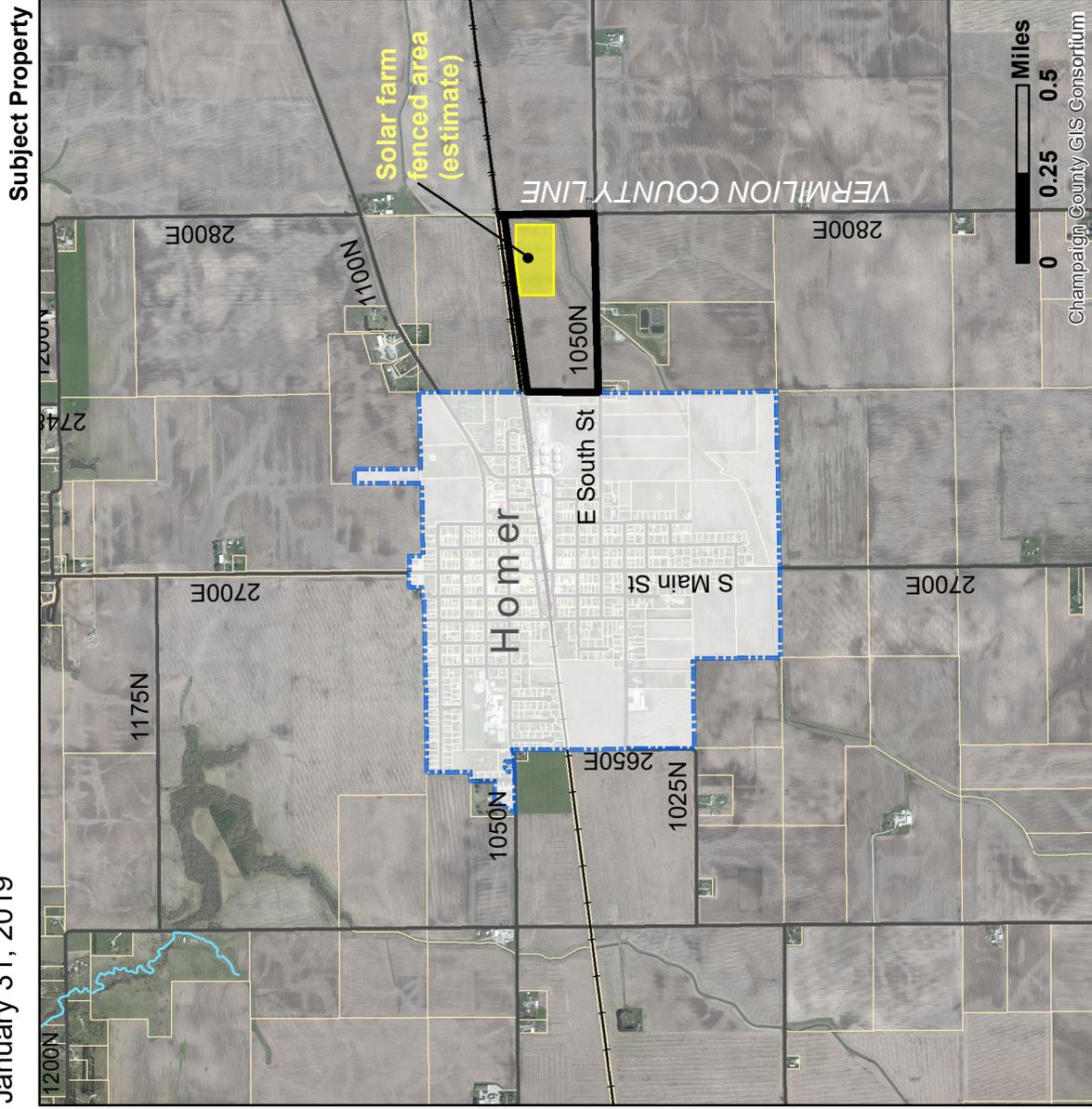
ATTACHMENTS

- A Case Maps (Location Map, Land Use, and Zoning)
- B Approved Site Plan (5 sheets) received November 1, 2018
- C Case 922-S-18 Findings of Fact approved January 31, 2019 (draft)

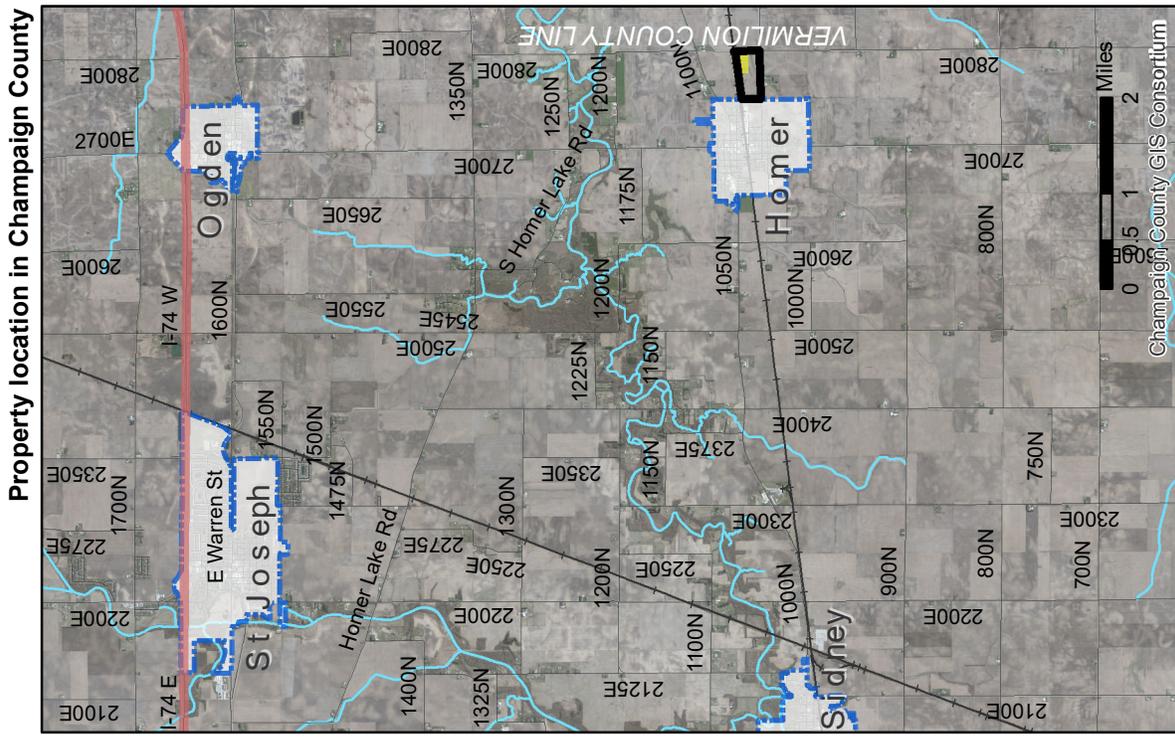
Location Map

Case 922-S-18

January 31, 2019



- Legend**
- Solar Farm Fenced Area
 - Municipal Boundary
 - Subject Property
 - Parcels
 - Streets
 - Streams
 - Railroad

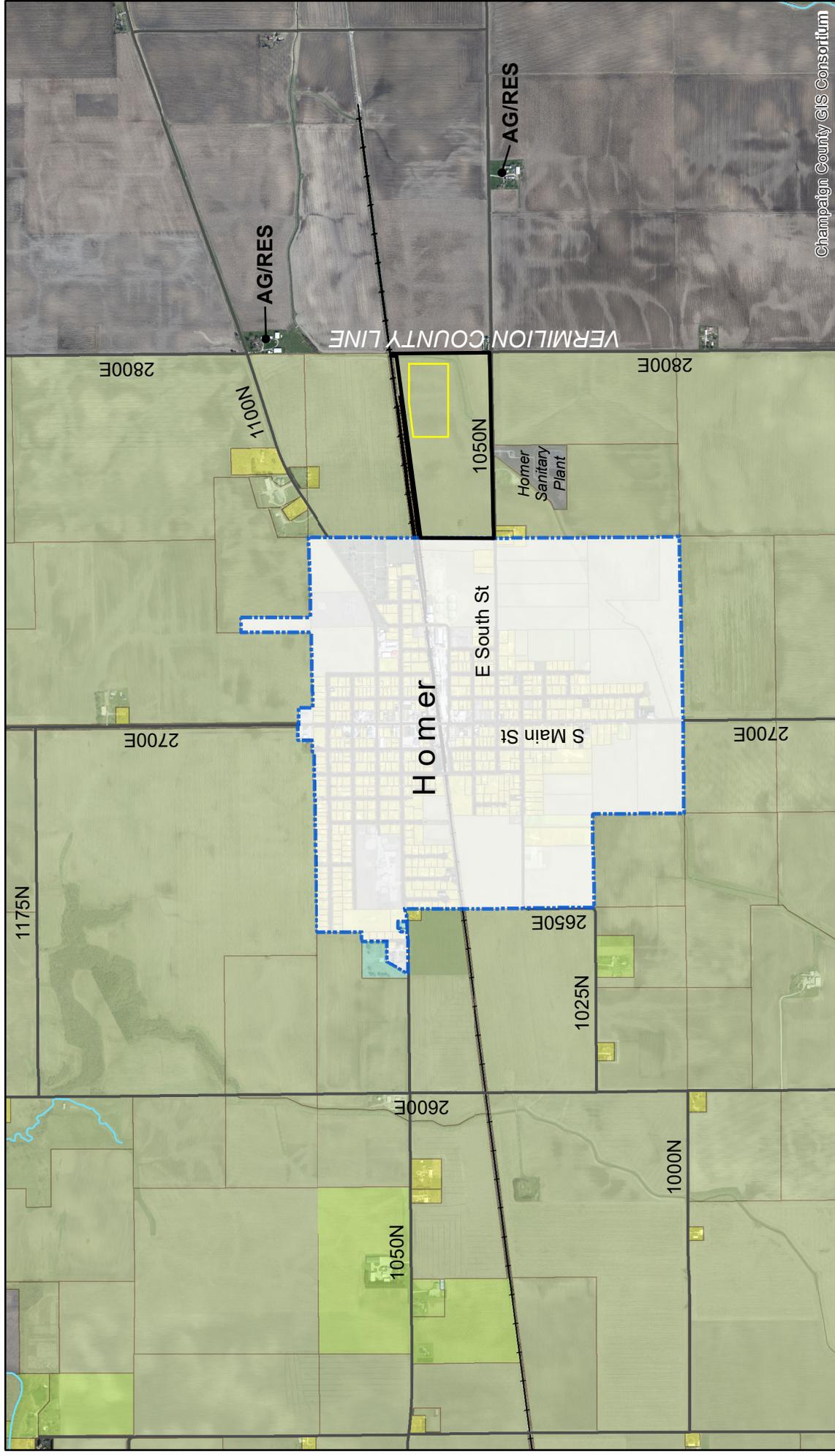


Champaign County
Department of
**PLANNING &
ZONING**

Champaign County GIS Consortium

Land Use Map

Case 922-S-18
January 31, 2019



Champaign County
Department of
PLANNING &
ZONING



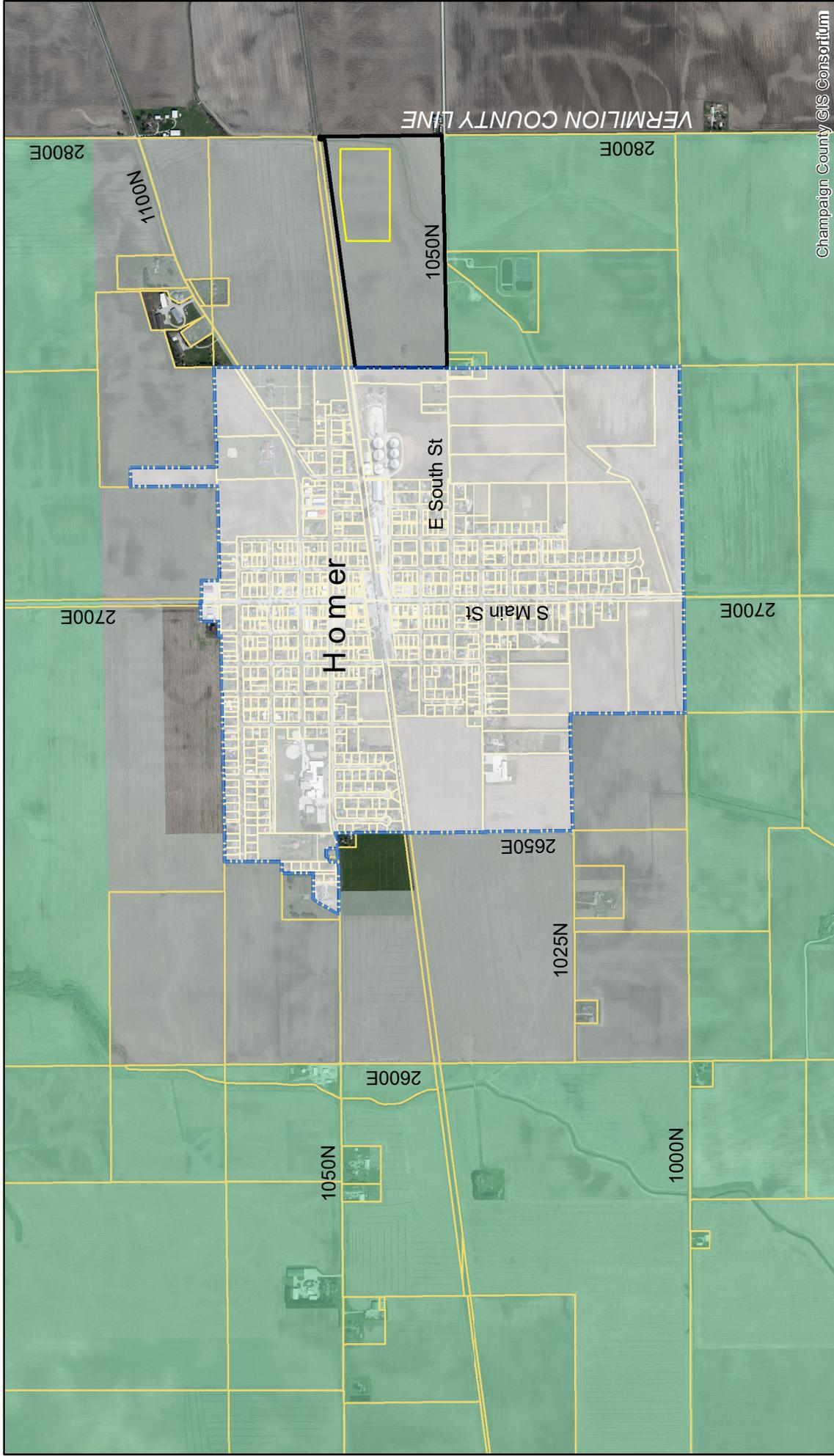
Legend

-  Solar Farm Fenced Area
-  Subject Property
-  Municipal Boundary
-  Streets
-  Railroad
-  Streams
-  Residential
-  Ag-Residential
-  Agriculture
-  Utility
-  Municipal

Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 922-S-18
January 31, 2019



Legend

-  Subject Property
-  Solar Farm Fenced Area
-  Municipal Boundary
-  AG-1
-  AG-2



PROPOSED SOLAR FARM FACILITY CHAMPAIGN COUNTY SOLAR I

COUNTY ROAD 1050 N
HOMER, IL 61849

CHAMPAIGN COUNTY SPECIAL USE PERMIT APPLICATION PLAN SET

PREPARED FOR: SOLAMERICA
1819 PEACHTREE ST NW, #100
ATLANTA, GEORGIA 30309

PREPARED BY: TRC ENVIRONMENTAL CORPORATION
230 W MONROE ST, #630
CHICAGO, ILLINOIS 60606

DATE: OCTOBER 04, 2018



ILLINOIS
N/T/S



CHAMPAIGN COUNTY
N/T/S



SITE LOCATOR
N/T/S

SHEET NUMBER	SHEET TITLE
1.0	COVER
2.0	FIRM MAPS
3.0	EXISTING CONDITIONS
4.0	SITE PLAN
5.0	STANDARD DETAILS

RECEIVED

NOV 01 2018

CHAMPAIGN CO. P & Z DEPARTMENT



230 West Monroe St
Suite 630
Chicago, IL 60606
Phone: 312.467.8299

SUMMARY FINDING OF FACT FOR CASE 922-S-18

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 31, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Special Use Permit **IS** necessary for the public convenience at this location because:
 - A. The proposed solar farm has sufficient proximity to a substation with a capacity to receive output from the solar farm, and has a transmission line that can economically be converted to serve the development.
 - B. The location of the solar farm is the farthest away from any residence or the Village of Homer.
 - C. Any farther distance to the east would put it into Vermilion County, where no local taxing body in Champaign County would receive any benefit.
 - D. As far as we know, the Village of Homer does not exercise its extraterritorial zoning authority, and areas farther east are not subject to any zoning.

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** 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** traffic capacity and the entrance location has **ADEQUATE** visibility.
 - B. Emergency services availability is **ADEQUATE** because the proposed solar farm is within 1.5 miles of the Fire Protection District; there have been no comments received from emergency services; the site does not pose any special fire hazard, and is not occupied.
 - C. The Special Use **WILL** be compatible with adjacent uses because the subject property is surrounded by AG-1 and AG-2 properties.
 - D. Surface and subsurface drainage will be **ADEQUATE** because the project will have a permanent vegetative ground cover which will reduce runoff; the underlying tiles will be addressed in the Agricultural Impact Mitigation Agreement and in the Decommissioning and Site Reclamation Plan; no evidence was submitted that there are tiles across the site serving other properties, and the drainage ditch crosses the subject property.
 - E. Public safety will be **ADEQUATE** because during the construction phase, there should be resources on site to respond to any issues they may have, and after construction, there will not be anyone on site except on a limited basis.
 - F. The provisions for parking will be **ADEQUATE** because there will not be anyone after construction except for limited visits.
 - G. The property **IS WELL SUITED OVERALL** for the proposed improvements because the site of the solar farm is 1,500 feet from the nearest dwelling, and is otherwise surrounded by farmland; it is also located in the same general area as the Homer sewage treatment plant; there is a large grain elevator located between the site and the larger part of the Village, and it is south of the Norfolk Southern railroad tracks.
 - H. Existing public services **ARE** available to support the proposed SPECIAL USE without undue public expense because there will not be a lot of need for public services at the site, and they will truck their own water in for cleaning purposes.
 - I. Existing public infrastructure together with the proposed development **IS** adequate to support the proposed development effectively and safely without undue public expense because the traffic generated during construction is small, and negligible during operation;

the development requires no other public services; and we have no resident employees that would add to the demands on the school system or other services.

- 3a. The requested Special Use Permit with the included waivers of standard conditions, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit with the included waivers of standard conditions, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES** preserve the essential character of the DISTRICT in which it is located because:
 - A. The Special Use will be designed to **CONFORM** to all relevant County ordinances and codes.
 - B. The Special Use **WILL** be compatible with adjacent uses.
 - C. Public safety will be **ADEQUATE**.
4. The requested Special Use Permit with the included waivers of standard conditions, **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS** in harmony with the general purpose and intent of the Ordinance because:
 - A. The Special Use is authorized in the District.
 - B. The Board has agreed to the findings listed in 1, 2, and 3 above, which all relate to the purpose and intent of the Ordinance.
5. The requested Special Use **IS NOT** an existing nonconforming use.
6. Regarding necessary waivers of standard conditions:
 - A. Regarding Part A of the proposed waivers, for a distance of 1,340 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet):
 - (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: the proposed solar farm is located more than 1,500 feet from the nearest dwelling; there is a grain elevator between the site and the village; it is located near the village sewer treatment facility, and is located near the Norfolk Southern railroad tracks.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - a. The proposed solar farm is located more than 1,500 feet from the nearest dwelling; there is a grain elevator between the site and the village; it is located near the Village of Homer sewage treatment facility, and is located near the Norfolk Southern railroad tracks.
 - b. The proposed solar farm has access to a substation that has available capacity and a transmission line that can be economically converted to the necessary 3-phase line, and the site is located entirely within one-half mile of a municipality, so without the waiver it could not be constructed in this location.
 - c. The project is located the furthest away possible from the Village or the nearest residence while still being in Champaign County.

- (3) 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 because: potentially viable for sites for solar farms require access to a substation and an economical transmission line, and those are limited in number. The petitioner has contacted multiple potential landowners with viable sites and have chosen this site as the optimal site.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because: the location of the property itself requires this waiver so that construction can take place.
 - (5) The requested waiver, **SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS** the minimum variation that will make possible the reasonable use of the land/structure because: the proposed solar farm is located as farm from the Village as it can be while still being in Champaign County.
- B. The Zoning Board of Appeals elected to approve waiver parts B through E *en masse*, and has one set of findings applicable to all four waivers, as shown below letter 6.E.
1. Regarding Part B of the proposed waivers, for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board:
 2. Regarding Part C of the proposed waivers, for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board:
 3. Regarding Part D of the proposed waivers, for not including a Landscape Plan as part of the Special Use Permit application:
 4. Regarding Part E of the proposed waivers, for not including a Weed Control Plan as part of the Special Use Permit application:
 - a. The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare because: it is necessary to develop accurate costs and plans based on final engineering.
 - b. Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because the site is so distant from the nearest dwelling, and is otherwise well located, that detailed plans are not essential at this stage of approval.
 - c. 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 because it is not

practical to compile plans until final engineering is complete, which cannot happen at this stage of project development.

- d. The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because the project viability is subject to the receipt of RECs in a lottery conducted by the Illinois Power Agency, and it would be impractical to require the submissions before the applicants even know if the project will go forward.
- e. The requested waivers, **SUBJECT TO THE PROPOSED SPECIAL CONDITIONS, ARE** the minimum variation that will make possible the reasonable use of the land/structure because the proposed solar farm is tied to the only practical point of control given the uncertainty of the timing of approval, given that the timing of the project lottery is unknown at this time. Each of these waivers are subject to compliance prior to issuance of the Zoning Use Permit.

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

- A. **The approved site plan consists of the following documents:**
 - **Site Plan Sheets 1 through 5 received November 1, 2018, to include clarification of the maximum height of the solar arrays.**
 - **A Landscape Plan including Weed Control Plan to be approved by the Environment and Land Use Committee prior to submittal with the Zoning Use Permit Application.**

The special condition stated above is required to ensure that:

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 that:

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 that:

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

- D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement**

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

The special condition stated above is required to ensure that:

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

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

The special condition stated above is required to ensure that:

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

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

The special condition stated above is required to ensure that:

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

- G. **A Landscape Plan compliant with Section 6.1.5 F.(9)a.(b)iv., which includes a Weed Control Plan compliant with Section 6.1.5 P.(3) and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

The special condition stated above is required to ensure that:

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

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

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

4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
6. *(Note: not needed if a waiver is received)* **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan from Case 922-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The special condition stated above is required to ensure that:

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

- I. **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 that:

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

- J. **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 that:

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

ORDINANCE NO. ____

**ORDINANCE GRANTING A SPECIAL USE PERMIT
ZONING CASE 922-S-18
“CHAMPAIGN SINCLAIR” COMMUNITY PV SOLAR FARM**

WHEREAS, the Champaign County Zoning Board of Appeals held a public hearing, made a formal recommendation for approval, and forwarded to this Board Case Number 922-S-18;

WHEREAS, the Champaign County Board finds that the Zoning Board of Appeals followed proper procedures and its Finding of Fact is supported by the manifest weight of evidence cited in the Summary of Evidence; and

WHEREAS, the Finding of Fact forwarded by the Zoning Board of Appeals demonstrates compliance of the petition in Zoning Case 922-S-18 with the criteria contained in Section 9.1.11 B. of the *Champaign County Zoning Ordinance*.

NOW, THEREFORE BE IT RESOLVED, by the Champaign County Board, Champaign County, Illinois, as follows:

1. That the Summary of Evidence, Documents of Record, Finding of Fact, and Final Determination forwarded by the Champaign County Zoning Board of Appeals in Zoning Case 922-S-18 are hereby endorsed and adopted, and incorporated herein by reference.
2. That a Special Use Permit is hereby granted to SolAmerica Energy LLC and participating landowner Phyllis Jane Sinclair for a community PV Solar Farm with a total nameplate capacity of 2 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture Zoning District, with a fenced solar farm area of approximately 13.1 acres on a total of 75.33 acres on the real estate described below:

All of that part of the Northeast Quarter of Section 9, Township 18 North, Range 14 West of the Second Principal Meridian in South Homer Township, lying south of the Norfolk and Western Railroad right-of-way, in Champaign County, Illinois.

3. That the granting of the Special Use Permit in Case 922-S-18 include the following waivers of standard conditions:

Part A: A waiver for a distance of 1,340 feet between a PV Solar Farm and a municipal boundary in lieu of the minimum required one-half mile (2,640 feet), per Section 6.1.5 B.(2)a. of the Zoning Ordinance.

- Part B: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3.
 - Part C: A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or waiver therefrom with the relevant local highway authority prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 G.
 - Part D: A waiver for not including a Landscape Plan as part of the Special Use Permit application, per Section 6.1.5 F.(9)a.(b)iv.
 - Part E: A waiver for not including a Weed Control Plan as part of the Special Use Permit application, per Section 6.1.5 P.(3).
4. That the granting of the Special Use Permit in Case 922-S-18 include the following special conditions of approval:
- A. **The approved site plan consists of the following documents:**
 - **Site Plan Sheets 1 through 5 received November 1, 2018, to include clarification of the maximum height of the solar arrays.**
 - **A Landscape Plan including Weed Control Plan to be approved by the Environment and Land Use Committee prior to submittal with the Zoning Use Permit Application.**
 - B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
 - C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
 - D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.**
 - E. **A signed Decommissioning and Site Reclamation Plan that has been approved by the Environment and Land Use Committee is required at the time of application for a Zoning Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance, including a decommissioning cost estimate prepared by an Illinois Professional Engineer.**
 - F. *(Note: not needed if a waiver is received)* **A Roadway Upgrade and Maintenance Agreement signed by South Homer Township and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**

- G. **A Landscape Plan compliant with Section 6.1.5 F.(9)a.(b)iv., which includes a Weed Control Plan compliant with Section 6.1.5 P.(3) and approved by the Environment and Land Use Committee, shall be submitted at the time of application for a Zoning Use Permit.**
- H. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
1. **Documentation of the solar module’s unlimited 10-year warranty and the 25-year limited power warranty.**
 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
 6. ***(Note: not needed if a waiver is received)* A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
 7. **The telephone number for the complaint hotline required by 6.1.5 S.**
 8. **Any updates to the approved Site Plan from Case 922-S-18 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**
- I. **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.**

J. 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.**

PRESENTED, PASSED, APPROVED AND RECORDED this 21st day of February, A.D. 2019.

SIGNED:

Darlene A. Kloepfel, County Executive