

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 East Washington Street
Urbana, IL 61802**

**DATE: April 11, 2024 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
Urbana, IL 61802**

MEMBERS PRESENT: Brian Andersen, Chris Flesner, Lee Roberts, Cindy Cunningham, Jim Randol

MEMBERS ABSENT: Thaddeus Bates, Ryan Elwell

STAFF PRESENT: John Hall, Charlie Campo, Jacob Hagman, Stephanie Berry

OTHERS PRESENT: Christian Schlesinger, Matthew Vollbrecht, Liz Reddington, Debra Griest, Raymond Griest, Aaron Esry, Bruce Vahling, Lindsay Vahling, Michael Walker, Fatima Salazar, Pedro Palzan

1. Call to Order

The meeting was called to order at 6:32 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum was declared present.

Mr. Hall said that a temporary chair was needed due to Mr. Elwell's absence. Mr. Andersen nominated Ms. Cunningham, seconded by Mr. Roberts. The vote was carried by voice vote.

Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Approval of Minutes – None

4. Correspondence – None

5. Audience participation concerning matters other than cases pending before the Board -None

6. Continued Public Hearings

Mr. Hall stated that at the last meeting, the Board voted to move cases 126-S-23 & 127-S-23 as the first items on the agenda. We overlooked that in preparing the agenda. Would the Board like to revise the agenda based on that vote? The motion was made by Mr. Flesner and seconded by Mr. Andersen. The motion passed by voice vote.

Cases 126-S-23 & 127-S-23

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

3
4 Requests: **Case 126-S-23**
5 **Authorize a Community PV Solar Farm with a total nameplate capacity of 4.5**
6 **megawatts (MW), including access roads and wiring, in the AG-2 Agriculture**
7 **Zoning District, and including the following waivers of standard conditions:**

8
9 **Part A: A waiver for locating the PV Solar Farm less than one-half mile from an**
10 **incorporated municipality and within the contiguous urban growth area of a**
11 **municipality per Section 6.1.5 B.(2)a.(a).**

12
13 **Part C: A waiver for entering into a Roadway Upgrade and Maintenance**
14 **Agreement or waiver therefrom with the relevant local highway authority at a**
15 **later time in lieu of prior to consideration of the Special Use Permit by the**
16 **Board, per Section 6.1.5 G. of the Zoning Ordinance.**

17
18 **Other waivers may be necessary.**

19
20 **Case 127-S-23**
21 **Authorize a second Community PV Solar Farm with a total nameplate capacity of**
22 **2.5 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture**
23 **Zoning District, and including the following waivers of standard conditions:**

24
25 **Part A: A waiver for locating the PV Solar Farm less than one-half mile from an**
26 **incorporated municipality and within the contiguous urban growth area of a**
27 **municipality per Section 6.1.5 B.(2)a.(a).**

28
29 **Part B: A waiver for entering into a Roadway Upgrade and Maintenance**
30 **Agreement or waiver therefrom with the relevant local highway authority at a**
31 **later time in lieu of prior to consideration of the Special Use Permit by the**
32 **Board, per Section 6.1.5 G. of the Zoning Ordinance.**

33
34 **Other waivers may be necessary.**

35
36 Location: **Three tracts of land totaling 55.81 acres located in the Northeast Quarter of Section**
37 **27, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana**
38 **Township, and commonly known as farmland owned by Kathryn Bonacci in the**
39 **southwest corner of the intersection of Windsor Road and IL 130 (High Cross Rd),**
40 **Urbana.**

41
42 Ms. Cunningham informed the audience that anyone wishing to testify in this case must sign the witness
43 register. She reminded the audience that when they sign the witness register, they are signing an oath.

44
45 Ms. Cunningham informed the audience that these cases are administrative cases, and as such, the County
46 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she would
47 ask for a show of hands from those who would like to cross-examine, and each person would be called
48 upon. She said that those who merely cross-examine are not required to sign the witness register but will
49 be asked to clearly state their name before asking any questions. She noted that no new testimony was to

1 be given during the cross-examination. She said that attorneys who have complied with article 7.6 of the
2 ZBA by-laws are exempt from cross-examination.

3
4 Ms. Cunningham asked if the petitioners would like to make a statement outlining their request.

5
6 Matthew Vollbrecht with Westwood Professional Services, 480 Bellvue Ave, Lander, Wyoming, and
7 Christian Schlesinger with Forefront Power, 301 Washington St., Conshohocken, Pennsylvania came to
8 the microphone. Mr. Vollbrecht thanked everyone for being there and said he won't go into many details
9 about the project but will outline some of the changes that we've implemented based on some of the
10 conversations we've had with the neighbors and with the [Urbana] Park District since the first meeting.
11 Mr. Vollbrecht said that the quick summary of the Bonacci-1 solar site is a 22.49-acre site now with 3.5
12 Megawatts (MW) instead of 4.5 MW. He said that the site will comprise 9,542 panels, which are bi-facial
13 530-watt modules constructed of laminated glass coated with an anti-reflective material. He said the panels
14 will be mounted on single-axis trackers tilting between 60 and -60 degrees and the project will include 14
15 inverters, a drop from the original 18. He said the site will consist of a 7-foot perimeter fence.

16
17 Mr. Vollbrecht said that the Bonacci-2 site is 15.96 acres, 2.5 MW, and 6,552 panels and will use the same
18 panels as site 1. He said this site will consist of 10 inverters and a 7-foot perimeter fence. He said that we
19 said the two projects will share a single access point from E. Windsor Road from the North, and there will
20 be a gate at that access point. He said this is a slight change, as requested by the county.

21
22 Mr. Vollbrecht continued with other updates since the 1/25/24 meeting. He said that site 1 was revised to
23 drop to 3.5 MW from 4.5 MW and that reduced the number of solar modules and inverters to 14. Mr.
24 Vollbrecht said that allowed the layout to move south and eliminated the need for the waiver to locate the
25 facility 45 feet from an adjacent lot of less than 10 acres. He said that now that the MW of the project had
26 been reduced, the project was moved south, so they are now meeting the minimum setback of 240 feet,
27 which eliminated one of the required waivers. He said that for both sites, the screen plan had been revised
28 to drop the proposed American Elderberry and replace it with an Evergreen Arborvitae species, and this
29 was a request from county staff that they were glad to accommodate. Mr. Vollbrecht said the seed mixes
30 and the proposed vegetative maintenance plans to the Urbana Park District have also been provided. He
31 said that we have also completed an online meeting with the park district to discuss and address their
32 concerns to the best of our ability and as a result of that meeting, along with the neighboring comments,
33 additional screening has been added. He said the entire east side of site 1, so everything adjacent to the
34 road is now screened. He said the screening included a solid fence along the southern boundary of both
35 sites 1 and 2; the entire south side of the site is now wholly screened from the park district land.

36
37 Mr. Vollbrecht stated that a noise study has been completed, and the noise levels from both sites will be
38 within state compliance guidelines. He said the noise study concluded that the noise levels from the project
39 would be imperceptible compared to existing ambient noise levels, assuming typical quiet, rural noise
40 levels, and this study was provided to the county. Mr. Vollbrecht clarified that the inverters only operate
41 when the solar panels are producing electricity, and therefore, no noise will be generated at night. He said
42 the noise study was also sent to Mike McCormick, the attorney for Lindsay and Bruce Vahling; the
43 Vahlings are the owners of the vet clinic and the residential property immediately to the west of site 1.
44 Mr. Vollbrecht said they had an online meeting with them (the attorney and the Vahlings) to review the
45 noise study and discuss their concerns. Mr. Vollbrecht believes all of the Vahlings' concerns were
46 addressed. He said that a new condition of work hours, at the request of the Vahlings, from 7 am to 8 pm
47 during construction was established; this will be part of the building permit process. He said as previously
48 mentioned at the county's request, that because of the two different fenced properties, a gate would be
49 added at the north end of the access road to prevent people from driving down onto the sites.

1
2 Mr. Vollbrecht believes that they’ve addressed all of the concerns that they can based upon the first set of
3 comments, and they are prepared to answer any questions from the Board.
4

5 Ms. Cunningham asked the Board if there were any questions, and there were none.
6

7 Ms. Cunningham asked staff if they had questions, and there were none.
8

9 Ms. Cunningham asked if anyone wanted to cross-examine the witness. There was no cross-examination.
10

11 Ms. Cunningham asked if Lindsay Vahling wanted to testify, but Lindsay Vahling withdrew herself from
12 the witness register for cases 126-S-23 & 127-S-23.
13

14 Ms. Cunningham asked for a motion to close the witness register, and Mr. Roberts, seconded by Mr.
15 Flesner, moved to do so. The motion passed by voice vote.
16

17 Mr. Hall reminded the Board that they read through the special conditions at the last hearing (1/25/24),
18 including new special condition Q, which concerns construction hours. He said the petitioner agreed to
19 the conditions, and if there is no other discussion, the next motion is to go to the findings of fact.
20

21 Mr. Flesner asked about doing findings of fact for both cases simultaneously, per the Board’s vote at the
22 last hearing. Mr. Hall said this is the recommendation because both cases are almost identical.
23

24 Motion by Mr. Flesner to move to the findings of fact for both cases. Seconded by Mr. Andersen. Passed
25 by voice vote.
26

27 **Findings of Fact for cases 126-S-23 & 127-S-23**

28 From the documents of record and the testimony and exhibits received at the public hearing for zoning
29 case **126-S-23** held on **January 25, 2024, March 28, 2024, and April 11, 2024**, the Zoning Board of
30 Appeals of Champaign County finds that:
31

32 **1. The requested Special Use Permit *{IS/ISN’T}* necessary for the public convenience at this**
33 **location because:**
34

35 Mr. Andersen stated that the requested permit IS necessary because the State of Illinois has adopted a
36 Renewable Portfolio Standard that established a goal of 25% of the State’s energy coming from
37 renewable sources by the year 2025 and the Illinois Future Energy Jobs Act requires the installation of
38 3,000 MW of new solar capacity by year 2030.
39

40 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
41 ***HEREIN*** **is so designed, located, and proposed to be operated so that it *{WILL/WILL NOT}***
42 **be injurious to the district in which it shall be located or otherwise detrimental to the**
43 **public health, safety, and welfare because:**

44 **a. The street has *{ADEQUATE /INADEQUATE}* traffic capacity and the entrance**
45 **location has *{ADEQUATE /INADEQUATE}* visibility.**
46

47 Mr. Flesner stated that the street has ADEQUATE traffic capacity and the entrance location has
48 ADEQUATE visibility.
49

b. Emergency services availability is *{ADEQUATE/INADEQUATE}* *{because*}*:

Mr. Anderson said it is ADEQUATE because (a) the subject property is approximately 5.7 miles from the Philo fire station. (b) The Philo Fire Protection District was notified of this case and their only request was to have a Knox Box.

c. The Special Use *{WILL /WILL NOT}* be compatible with adjacent uses *{because*}*:

Mr. Randol said it WILL be compatible with adjacent uses because (a) The proposed project is surrounded by land in agricultural production to the west, east, and south and by a substation and vacant parcel that are within the City of Urbana to the north. (b) The nearest residence is about 400 feet from the PV SOLAR FARM fenced area.

d. Surface and subsurface drainage will be *{ADEQUATE /INADEQUATE}* *{because*}*:

Mr. Andersen said it will be ADEQUATE because no part of the subject property is in the Special Flood Hazard Area and the proposed project must comply with the Storm Water Management and Erosion Control Ordinance.

e. Public safety will be *{ADEQUATE /INADEQUATE}* *{because*}*:

Mr. Flesner said it will be ADEQUATE because relevant jurisdictions were notified of this case, and no comments have been received.

f. The provisions for parking will be *{ADEQUATE/INADEQUATE}* *{because*}*:

Mr. Randol stated that parking will be ADEQUATE because (a) no parking is required for a PV Solar Farm.

g. The property *{IS/ISN'T}* WELL SUITED OVERALL for the proposed improvements *{because*}*:

Mr. Randol stated that the property IS well-suited for the proposed improvements because 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*}*:

Mr. Randol stated that existing public services ARE available to support the proposed special use because no additional public services are necessary for the proposed development.

i. Existing public infrastructure together with the proposed development *{IS/ISN'T}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*:

Mr. Flesner stated that the existing public infrastructure IS adequate because no new public infrastructure is required for the proposed development.

1 Mr. Randol said the requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS
2 IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it WILL NOT be
3 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
4 and welfare.

5
6 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
7 **IMPOSED HEREIN} {DOES/DOES NOT} conform to the applicable regulations and**
8 **standards of the DISTRICT in which it is located, subject to the approval of the**
9 **requested waivers.**

10
11 Mr. Andersen stated that the special use permit DOES conform to applicable regulations.

12
13 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
14 **IMPOSED HEREIN} {DOES /DOES NOT} preserve the essential character of the**
15 **DISTRICT in which it is located because:**

16
17 Mr. Randol confirmed the special use permit DOES preserve the essential character of the district.

18
19 **a. The Special Use will be designed to {CONFORM/NOT CONFORM} to all relevant**
20 **County ordinances and codes.**

21
22 Mr. Randol stated it would CONFORM.

23
24 **b. The Special Use {WILL/WILL NOT} be compatible with adjacent uses.**

25
26 Mr. Randol stated it WILL be compatible.

27
28 **c. Public safety will be {ADEQUATE/INADEQUATE }.**

29
30 Mr. Randol stated it will be ADEQUATE.

31
32 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
33 **HEREIN} {IS/IS NOT} in harmony with the general purpose and intent of the Ordinance**
34 **because:**

35
36 Mr. Randol stated the requested permit IS in harmony with the general purpose and intent of the
37 Ordinance.

38
39 **a. The Special Use is authorized in the District.**

40
41 **b. The requested Special Use Permit {IS/IS NOT} necessary for the public convenience**
42 **at this location.**

43
44 Mr. Andersen stated the permit IS necessary.

45
46 **c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
47 **IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it**
48 **{WILL/WILL NOT} be injurious to the district in which it shall be located or otherwise**
49 **detrimental to the public health, safety, and welfare.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Mr. Andersen stated the permit WILL NOT be injurious to the district.

- 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.**

Mr. Randol stated that the requested permit DOES preserve the essential character of the district.

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.”

Mr. Flesner moved to include the waivers en masse, seconded by Mr. Andersen. The motion was passed by voice vote.

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

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

- a. *The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.*
- b. *Relevant jurisdictions have been notified of this case. The City of Urbana stated they have no issue with plans to develop these sites as solar farms.*
- c. *Neighboring landowners have been notified of this case, and some expressed concerns about noise, visual impacts, property values, the proposed park to the south, and the ability of the City of Urbana to grow to the south.*
- d. *The Urbana Park District and Urbana Parks Foundation, owner of 29 acres to the south that they plan to develop as a park, expressed concerns about sufficient vegetative screening, noise, and how the proposed project goes against the City of Urbana Comprehensive Plan upon which the Urbana Park District was basing their proposed park location.*

(2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

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

(3) **Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of the land or structure or construction because:**

a. *Without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.*

(4) **The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT} result from actions of the applicant because:**

a. *The petitioners were made aware of this separation requirement when they applied for the Special Use Permit.*

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

a. *Without the proposed waiver, the PV SOLAR FARM could not be located on the subject property.*

Mr. Hall interjected it because two new documents had to be entered into the record. Item #15 is the revised DSRP received on March 11th, 2024. #16 was the special condition handout at the March 28th, 2024 meeting. These are both documents of record. Mr. Hall confirmed that a vote could be held for the summary of evidence, the documents of record, and the findings of fact.

Ms. Cunningham moved to accept the findings of fact, the evidence summary, and the record documents. Mr. Flesner made the motion, which was seconded by Mr. Andersen. It passed by a voice vote.

Ms. Cunningham called for a motion to move to final action. Mr. Flesner made the motion, which Mr. Andersen seconded. It passed by a voice vote.

Ms. Cunningham said that the Champaign County Zoning Board of Appeals finds that based upon the application, testimony, and other evidence received in the case the requirements for approval of section 9.1.11(b) {HAVE/HAVE NOT} been met and pursuant to the authority granted by section 9.1.6(b) of the Champaign County zoning ordinance recommends that the special use requested in case 126-S-23 & 127-S-23 is hereby {GRANTED/GRANTED WITH SPECIAL CONDITIONS/DENIED} to the applicant FFP IL Community Solar.

Mr. Randol said it should be GRANTED WITH SPECIAL CONDITIONS as everything has been met. Seconded by Mr. Roberts.

Cases 126-S-23 & 127-S-23 roll call vote as follow:

Randol – Yes **Roberts** – Yes **Andersen** – Yes
Flesner – Yes **Cunningham** – Yes

Mr. Hall said that the case will be heard at the May 9th, 2024, ELUC meeting.

Case 115-S-23

1 Petitioner: **Pivot Energy IL 38, LLC, via agent Liz Reddington, with participating landowners**
2 **Louis and Donna Zitting**

3
4 Request: **Authorize a Community PV Solar Farm with a total nameplate capacity of 5**
5 **megawatts (MW), including access roads and wiring, in the AG-1 Agriculture Zoning**
6 **District, and including the following waivers of standard conditions:**

7
8 **A waiver for not entering into a Roadway Upgrade and Maintenance Agreement**
9 **or waiver therefrom with the relevant local highway authority prior to**
10 **consideration of the Special Use Permit by the Board, per Section 6.1.5 G. of the**
11 **Zoning Ordinance.**

12 **Other waivers may be necessary.**

13
14
15 Location: **That part of a 51.16-acre tract of land lying south of County Highway 15 (CR 1050N)**
16 **in the East Half of the West Half of Section 12, Township 18 North, Range 10 East of**
17 **the Third Principal Meridian in Sidney Township, and commonly known as farmland**
18 **owned by Louis and Donna Zitting.**

19
20 Ms. Cunningham noted that the site area is approximately 27 acres of a 51.16-acre tract of land, and the
21 development schedule is as soon as possible.

22
23 Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight must
24 sign the witness register for that public hearing. She reminded the audience that when they sign the witness
25 register, they are signing an oath.

26
27 Ms. Cunningham informed the audience that these cases are administrative cases, and as such, the County
28 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she would
29 ask for a show of hands from those who would like to cross-examine, and each person would be called
30 upon. She said that those who merely cross-examine are not required to sign the witness register but will
31 be asked to clearly state their name before asking any questions. She noted that no new testimony was to
32 be given during the cross-examination. She said that attorneys who have complied with article 7.6 of the
33 ZBA by-laws are exempt from cross-examination.

34
35 Ms. Cunningham asked if the petitioner would like to make a statement outlining their request.

36
37 Liz Reddington of 444 W. Lake Street Ste 1700, Chicago, IL 60606, came to the microphone. Ms.
38 Reddington said that she would only present an update from her previous presentation. The summary of
39 why Ms. Reddington is back is that the previous February 15th zoning hearing was tabled because the
40 Board wanted a preliminary drain tile study because of the feedback from the Sidney drainage district.
41 Ms. Reddington said that based on Lidar and topography data from their consultant, the drain tile study
42 reflected what was asked. She said there will be a private tile through the middle of the site; one already
43 exists near the railroad [tracks] to the south of the property. She said the consultant also believes that a
44 tile is present going north and south near the property. All of these are easily mitigated.

45
46 Ms. Reddington is also reporting on the inverter setback distance. She confirmed that the inverter setback
47 distance exceeds the setback requirements of the ordinance. The placement of the inverters was intended
48 to meet that ordinance, as reflected in the site plan that was previously presented. Ms. Reddington
49 referenced a previous slide that documented plans for the site to be a community solar garden, which

1 means they plan on working with Ameren Illinois and the state of Illinois where households could
2 subscribe to this project.

3
4 Ms. Reddington showed a slide of the proposed site and mentioned that screening has been proposed all
5 along the east, north, and south sides of the array. Ms. Reddington referred to an image in her presentation
6 showing where the inverters will be located within the array. This shows that all of the inverters will be
7 outside of the setback requirements and will be located in the middle of the array because of the county's
8 ordinance.

9
10 Ms. Reddington had a slide that shows the boundary of the whole project is about 26 acres in size. She
11 said that all of the required setbacks have been incorporated into the plan and the project boundary is more
12 than 1,000 feet from a non-participating residence. She said that the gravel access road, fencing, and array
13 size would be a 6.67 MW/DC or 5 MW/AC project, and the estimated production would be equal to
14 standard usage for 1,460 residential homes. She said that the project would not require utilities such as
15 sewage, waste, irrigation, potable water, trash, recycling, or natural gas services, and this solar farm would
16 be interconnected with the current distribution lines along the county road (along the northern portion of
17 the farm).

18
19 Ms. Reddington reported no threatened or endangered species or habitat is found at the proposed site. This
20 was confirmed by IDNR (Illinois Department of Natural Resources).

21
22 Ms. Reddington explained the slides showing the project hardware, which consists of Tier 1 panel
23 manufacturers and string inverters and the racking will be single-axis trackers, which will track the sun
24 from the east to the west. (Additional images of similar technology is shown).

25
26 Ms. Reddington had additional photos of native pollinators and vegetative species that have been proposed
27 for the site. She explained that a table demonstrates how property taxes will be roughly \$208,000 over the
28 project's 20-year lifespan. Everything from local school districts to Parkland College to Sidney Road,
29 Sidney Fire, and Sidney Township would all see an increase.

30
31 Ms. Reddington continued by stating that a system the size of the solar farm expects construction to last
32 about 6 months and that this included everything from site mobilization to utility testing. She said that
33 during commercial operations, they plan on visiting the site two to four times annually. They will also
34 have remote monitoring in the event that they have to do unplanned maintenance as well.

35
36 Ms. Reddington described how they will provide training for the local fire department along with other
37 safety and emergency services. She said the project site will have a Knox Box attached to the fence. She
38 said they will also need to adhere to the solar lease agreement and the Illinois Department of Agriculture
39 regarding decommissioning. Ms. Reddington said this project will have salvage value associated with it,
40 and at the end of the system's life, the land will be returned to its original state, and all the equipment will
41 be removed. She said the road would be left in place only if the landowner requested it be left. If the
42 landowners do not want the road to be left behind, it will be removed.

43
44 Ms. Reddington summarized that the project would provide economic benefits to the community by
45 allowing electricity savings to people who subscribe to the garden. She said there will also be an increase
46 in property tax revenue. She said that based on state law, the project will encourage workforce training
47 and development programs. She said they will also be providing a community investment of \$25,000
48 towards energy-burden reduction or workforce development training programs. She said that, overall, the
49 technology will help preserve farmland and be a harmonious neighbor to the surrounding areas, and all of

1 these are achievable through the use of clean and renewable energy. Ms. Reddington said this concluded
2 the presentation.

3
4 Ms. Cunningham asked for cross-examination from the Board. She followed up by asking about the
5 grazable components in the solar garden and wanted to know about plans for grazing on site. Ms.
6 Reddington responded that Pivot Energy has been very successful with their other sites and recently
7 learned that of their sites that are favorable to grazing, which means they are ground-mounted and not
8 rooftop, 98% are currently grazing sites. She said most of those sites are in Illinois and Colorado. She said
9 the seed mix included will still follow the native vegetation and pollinator-friendly requirements of the
10 DNR scorecard, but it will also be safe for animals. She said the seed mix they plan on using is called
11 “Fuzz & Buzz,” which has been used on other sites and is safe for animals. Ms. Cunningham wanted
12 confirmation on what kinds of animals are used for grazing, and Ms. Reddington confirmed it would be
13 sheep.

14
15 Ms. Cunningham wanted to know about water for the sheep since no water was on site. Ms. Reddington
16 commented that the shepherds will be bringing water to the site for the sheep. Ms. Cunningham wanted
17 to know if the shepherds are contracted out, and Ms. Reddington said they are. Mr. Randol wanted to
18 know if the shepherds remained on site with the sheep during grazing or how the process was handled.
19 Ms. Reddington said that each shepherd is different, with some shepherds leaving sheep to be protected
20 by guard dogs while others will make trips with the sheep. She said the difference tends to be how big a
21 solar farm the sheep are on. She mentioned that the shepherds would create enclosures within the solar
22 farm for the sheep to graze on to control the grazing. Mr. Randol thanked Ms. Reddington for her
23 comments.

24
25 Ms. Cunningham asked the Board if there were any questions, and there were none.

26
27 Ms. Cunningham asked staff if they had questions, and there were none.

28
29 Ms. Cunningham asked if anyone wanted to cross-examine the witness. There was no cross-examination.

30
31 Ms. Cunningham called for a motion to close the witness register. The motion was made by Mr. Randol
32 and seconded by Mr. Flesner. The motion passed by voice vote.

33
34 Ms. Cunningham called for a motion to move to review the special conditions for the case. The motion
35 was made by Mr. Andersen and seconded by Mr. Flesner. The motion passed by voice vote.

36
37 **PROPOSED SPECIAL CONDITIONS OF APPROVAL for case 115-S-23**

38
39 Ms. Cunningham asked Ms. Reddington to confirm the special conditions as she read them.

40
41 17. Regarding proposed special conditions of approval:

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

- 43 • **Site Plan received January 25, 2024.**

44
45 The special condition stated above is required to ensure the following:

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

48
49 Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- 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.

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

- 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.

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

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

The special condition stated above is required to ensure the following:
The Special Use Permit complies with Ordinance requirements and as authorized by waiver.

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

- E. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom 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.**

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.

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

- F. **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.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**
- 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**
- 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
- 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**
- 6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**
- 7. **The telephone number for the complaint hotline required by 6.1.5 S.**
- 8. **Any updates to the approved Site Plan from Case 115-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

The special condition stated above is required to ensure the following:
The PV SOLAR FARM is constructed consistent with the Special Use Permit approval and in compliance with the Ordinance requirements.

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

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

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

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

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

H. 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.

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

I. 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.

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.

1 J. **The owners of the subject property hereby recognize and provide for the right of**
2 **agricultural activities to continue on adjacent land consistent with the Right to**
3 **Farm Resolution 3425.**
4

5 The special condition stated above is required to ensure the following:
6 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**
7

8 Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.
9

10 K. **A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway**
11 **that is crossed with underground wiring and the relevant drainage district shall be**
12 **provided 48 hours in which to inspect for tile and the positions of any tile lines that**
13 **are discovered shall be recorded using Global Positioning System (GPS) technology.**
14

15 The special condition stated above is required to ensure the following:
16 **That drainage tiles are protected.**
17

18 Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.
19

20 M. **The terms of approval are the requirements of the current Section 6.1.5 of the**
21 **Zoning Ordinance as amended February 23, 2023.**
22

23 The special condition stated above is required to ensure the following:
24 **That the current version of the Zoning Ordinance has been referenced.**
25

26 Ms. Cunningham asked if Ms. Reddington agreed, and she agreed.
27

28 N. **Underground drainage tile shall be investigated and identified with any necessary**
29 **changes made to the solar array as follows:**
30

31 1. **Desktop mapping and field reconnaissance shall identify all areas where**
32 **drain tile are expected to be located based on soils, topographic elevations,**
33 **ground surface channels and/or depressions, wetlands, natural drainage**
34 **ingress and egress locations, and knowledge of current owners and/or**
35 **current farmers.**
36

37 2. **Slit trenching shall be used to investigate the presence of mutual drainage**
38 **tiles that serve upland areas under different ownership. All existing drain**
39 **tiles encountered shall be logged on field mapping and repaired to the**
40 **original state according to Illinois Department of Agriculture Impact**
41 **Mitigation Agreement (AIMA) standards.**
42

43 3. **Drain tile routes shall be located by surface probing or electronic detection**
44 **and field staked at 20 feet intervals.**
45

46 4. **All existing drain tile that are found shall be located in the field using GPS**
47 **location systems and recorded on as-built plans. Record mapping shall be**
48 **completed according to typical civil engineering mapping standards.**
49

- 5. Any tile found shall be protected from disturbance.
- 6. All mutual drain tiles shall be protected from construction disturbance and a 40- foot wide no construction area shall be centered on all mutual drain tiles.
- 7. 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.
- 8. Future access shall be guaranteed for the 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.

Ms. Cunningham asked if Ms. Reddington agreed, and she agreed. Ms. Cunningham thanked her for her time.

Mr. Hall had an addition to the Documents of Record. He said Document of Records #12, was the supplemental memorandum #1 with attachments.

Ms. Cunningham asked for a motion to proceed to the findings of facts. Mr. Flesner made the motion, which was seconded by Mr. Andersen. The motion passed by voice vote.

FINDINGS OF FACT for case 115-S-23

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **115-S-23** held on **February 15, 2024**, and **April 11, 20204**, 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:**

Mr. Randol said the requested special use permit IS necessary because the State of Illinois had adopted a Renewable Portfolio Standard that established a goal of 25% of the State’s energy coming from renewable sources by the year 2025, and the Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030, and there is an existing power line along the north side of CR 1050N and a substation is approximately 1.6 miles southwest of the subject property.

- 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.**

Mr. Flesner stated that the street has ADEQUATE traffic capacity and ADEQUATE visibility.

b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

Mr. Andersen said emergency services availability is ADEQUATE because the subject property is approximately 2.9 miles from the Sidney fire station. The Sidney Fire Protection District was notified of this case, and no comments were received.

c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

Mr. Randol said the special use WILL be compatible with adjacent uses because the proposed project is surrounded by land in agriculture production, the Frito-Lay facility to the west, and the nearest residence is about 530 feet from the PV SOLAR FARM fenced area

d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

Mr. Randol said the surface and subsurface drainage will be ADEQUATE because no part of the subject property is in the Special Flood Hazard Area and the proposed project must comply with the Storm Water Management and Erosion Control Ordinance.

e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

Mr. Flesner commented that public safety will be ADEQUATE because relevant jurisdictions were notified of this case, and no comments have been received.

f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

Mr. Flesner said that the provisions for parking will be ADEQUATE because no parking is required for a PV SOLAR FARM.

g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:

Mr. Andersen said the property IS well-suited overall for the proposed improvements because 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*}*:

Mr. Andersen said the existing public services ARE available to support the proposed special use because 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*}*:

Mr. Flesner said the existing public infrastructure with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense because no new infrastructure is required for the proposed development.

Mr. Roberts said the requested special use permit WILL NOT be injurious to the district.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

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 the approval of the requested waivers.

Mr. Andersen stated that the requested special use permit DOES conform to the applicable regulations and standards of the district.

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:

Mr. Randol said the requested special use permit DOES preserve the essential character of the district.

a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.

Mr. Randol stated the special use will be designed to CONFORM to all relevant county ordinances and codes.

b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.

Mr. Randol stated the special use WILL be compatible with adjacent uses.

c. Public safety will be *{ADEQUATE / INADEQUATE}*.

Mr. Randol said that public safety will be ADEQUATE.

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:

Mr. Randol stated that the requested special use permit IS in harmony with the general purpose and intent of the ordinance.

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.

Mr. Randol stated the requested special use permit IS necessary for the public convenience at the 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.

1 Mr. Randol stated the requested special use permit is designed, located, and proposed to be operated to
2 that it WILL NOT be injurious to the district.

- 3
- 4 **d. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
5 **IMPOSED HEREIN} {DOES / DOES NOT} preserve the essential character of the**
6 **DISTRICT in which it is located.**
- 7

8 Mr. Randol stated the requested special use permit DOES preserve the essential character of the district.

- 9
- 10 **5. The requested Special Use IS NOT an existing nonconforming use.**
- 11

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

- 16
- 17 **A. Regarding the proposed waiver for not entering into a Roadway Upgrade and**
18 **Maintenance Agreement or waiver therefrom with the relevant local highway**
19 **authority prior to consideration of the Special Use Permit by the Board:**

- 20 **(1) The waiver {IS/ IS NOT} in accordance with the general purpose and intent**
21 **of the Zoning Ordinance and {WILL/ WILL NOT} be injurious to the**
22 **neighborhood or to the public health, safety, and welfare because:**
- 23

24 Mr. Randol stated the waiver IS in accordance with the general purpose and intent of the zoning
25 ordinance and WILL NOT be injurious to the neighborhood or the public health, safety, & welfare
26 because the requested waiver variance is 0% of the minimum required, for a variance of 100% and a
27 special condition has been added requiring this information prior to approval of a Zoning Use Permit.

- 28
- 29 **(2) Special conditions and circumstances {DO / DO NOT} exist which are**
30 **peculiar to the land or structure involved, which are not applicable to other**
31 **similarly situated land and structures elsewhere in the same district because:**
- 32

33 Mr. Randol stated that special conditions and circumstances DO exist which are peculiar to the land or
34 structure involved and the petitioner is working with Champaign County Highway Department on either
35 a waiver or a Roadway Upgrade and Maintenance Agreement and a special condition has been added
36 requiring this information prior to approval of a Zoning Use Permit.

- 37
- 38 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
39 **the regulations sought to be varied {WILL / WILL NOT} prevent reasonable**
40 **or otherwise permitted use of the land or structure or construction because:**
- 41

42 Mr. Randol stated the practical difficulties or hardships created by carrying out the strict letter of the
43 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
44 structure or construction without the proposed waiver, the Special Use Permit process might have to
45 be extended in order to have sufficient time to prepare this document.

- 46
- 47 **(4) The special conditions, circumstances, hardships, or practical difficulties {DO**
48 **/ DO NOT} result from actions of the applicant because:**
- 49

1 Mr. Randol stated the special conditions, circumstances, hardships, or practical difficulties DO NOT
2 result from actions of the applicant because the petitioner is working with Champaign County Highway
3 Department to receive either an agreement or a waiver from this requirement.
4

5 (5) **The requested waiver {*SUBJECT TO THE PROPOSED SPECIAL***
6 ***CONDITION*} {*IS / IS NOT*} the minimum variation that will make possible**
7 **the reasonable use of the land/structure because:**
8

9 Mr. Randol stated the requested waiver IS the minimum variation that will make possible the reasonable
10 use of the land.
11

12 Ms. Cunningham asked for a motion to adopt the summary of evidence and findings of fact. Mr. Roberts
13 made the motion, which Mr. Flesner seconded. The motion passed by voice vote.
14

15 Ms. Cunningham asked for a motion to move to final determination. Mr. Roberts made the motion,
16 which Mr. Flesner seconded. The motion passed by voice vote.
17

18 Ms. Cunningham offers Ms. Reddington the option to wait for a full Board to be present before moving
19 to the final determination, which would be in August 2024 or to proceed with the vote. Ms. Reddington
20 is fine with moving forward with the Board members present.
21

22 **FINAL DETERMINATION**
23

24 **Mr. Randol moved, seconded by Mr. Andersen that the Champaign County Zoning Board of**
25 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
26 **the requirements for approval of Section 9.1.11B. HAVE been met, and pursuant to the authority**
27 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, recommends that:**
28

29 **The Special Use requested in Case 115-S-23 is hereby *GRANTED WITH SPECIAL***
30 ***CONDITIONS* to the applicant, Pivot Energy IL 38, LLC, to authorize the following as a**
31 **Special Use on land in the AG-1 Agriculture Zoning District:**
32

33 **Authorize a Community PV Solar Farm with a total nameplate capacity of 5**
34 **megawatts (MW), including access roads and wiring, and**
35

36 ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
37

38 **A waiver for not entering into a Roadway Upgrade and Maintenance Agreement or**
39 **waiver therefrom with the relevant local highway authority prior to consideration of**
40 **the Special Use Permit by the Board, per Section 6.1.5 G. of the Zoning Ordinance.**
41

42 ***SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:***
43

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

- 45 • **Site Plan received January 25, 2024.**

46
47 **B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
48 **issue a Zoning Compliance Certificate on the subject property until the lighting**
49 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- 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 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.**

- E. **A Roadway Upgrade and Maintenance Agreement or waiver therefrom 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.**

- F. **The following submittals are required prior to the approval of any Zoning Use Permit for a PV SOLAR FARM:**
 - 1. **Documentation of the solar module’s unlimited 10-year warranty and the 25-year limited power warranty.**

 - 2. **Certification by an Illinois Professional Engineer that any relocation of drainage district tile conforms to the Champaign County Storm Water Management and Erosion Control Ordinance.**

 - 3. **An irrevocable letter of credit to be drawn upon a federally insured financial institution with a minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit.**

 - 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**

 - 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5 F.(9).**

 - 6. **A Transportation Impact Analysis provided by the applicant that is mutually acceptable to the Applicant and the County Engineer and State’s Attorney; or Township Highway Commissioner; or municipality where relevant, as required by 6.1.5 G. 2.**

 - 7. **The telephone number for the complaint hotline required by 6.1.5 S.**

 - 8. **Any updates to the approved Site Plan from Case 115-S-23 per the Site Plan requirements provided in Section 6.1.5 U.1.c.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

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

- H. **The Applicant or Owner or Operator of the PV SOLAR 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.**

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

- J. **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.**

- 1 K. A 5 feet deep open trench shall extend for 30 feet on either side of any drainageway
2 that is crossed with underground wiring and the relevant drainage district shall be
3 provided 48 hours in which to inspect for tile and the positions of any tile lines that
4 are discovered shall be recorded using Global Positioning System (GPS) technology.
5
- 6 L. A copy of a signed agreement with the drainage district establishing the 40 feet wide
7 easement and including any provisions for cabling and access to the easement shall
8 be provided to the Zoning Administrator prior to the issuance of a Zoning Use
9 Permit.
10
- 11 M. The terms of approval are the requirements of the current Section 6.1.5 of the
12 Zoning Ordinance as amended February 23, 2023.
13
- 14 N. Underground drainage tile shall be investigated and identified with any necessary
15 changes made to the solar array as follows:
16
 - 17 1. Desktop mapping and field reconnaissance shall identify all areas where
18 drain tile are expected to be located based on soils, topographic elevations,
19 ground surface channels and/or depressions, wetlands, natural drainage
20 ingress and egress locations, and knowledge of current owners and/or
21 current farmers.
22
 - 23 2. Slit trenching shall be used to investigate the presence of mutual drainage
24 tiles that serve upland areas under different ownership. All existing drain
25 tiles encountered shall be logged on field mapping and repaired to the
26 original state according to Illinois Department of Agriculture Impact
27 Mitigation Agreement (AIMA) standards.
28
 - 29 3. Drain tile routes shall be located by surface probing or electronic detection
30 and field staked at 20 feet intervals.
31
 - 32 4. All existing drain tile that are found shall be located in the field using GPS
33 location systems and recorded on as-built plans. Record mapping shall be
34 completed according to typical civil engineering mapping standards.
35
 - 36 5. Any tile found shall be protected from disturbance.
37
 - 38 6. All mutual drain tiles shall be protected from construction disturbance and a
39 40- foot wide no construction area shall be centered on all mutual drain tiles.
40
 - 41 7. A map of all identified drain tile and a revised site plan to reflect any changes
42 to the layout of the solar array shall be submitted to the Zoning
43 Administrator prior to Zoning Use Permit Approval.
44
 - 45 8. Future access shall be guaranteed for maintenance of all mutual drain tiles.
46

47 Ms. Cunningham called for a roll call vote. Case 115-S-23 roll call vote as follows:

48 **Randol – Yes Roberts – Yes Andersen – Yes**
49 **Flesner – Yes Cunningham – Yes**

1
2 Mr. Hall congratulated the petitioner and said the Environment and Land Use Committee will hear the
3 case on May 9th, 2024.
4

5 **Case 128-S-24**

6 Petitioner: **Fatima Salazar and Pedro Palzan, d.b.a. Roof Panther and K2 Builders LLC**
7

8 Request: **Authorize a Special Use Permit for a Neighborhood Home Occupation that exceeds**
9 **the maximum allowed number of vehicles in the AG-2 Agriculture Zoning District**
10 **per Section 7.1.1. of the Zoning Ordinance, subject to the proposed variance in Case**
11 **131-V-24.**
12

13
14 Location: **A 0.43-acre lot in the Southeast Quarter of the Northeast Quarter of Section 10,**
15 **Township 19 North Range 9 East of the Third Principal Meridian in Urbana**
16 **Township, commonly known as the residence with an address of 903 North High**
17 **Cross Road, Urbana.**
18

19 **Case 131-V-24**

20 Petitioner: **Fatima Salazar and Pedro Palzan, d.b.a. Roof Panther and K2 Builders LLC**
21

22 Request: **Authorize a Variance for a Neighborhood Home Occupation with parking that is 0**
23 **feet from the front lot line and side lot lines in lieu of the minimum required 10 feet**
24 **from the front lot line and 5 feet from the side lot lines in the AG-2 Agriculture Zoning**
25 **District, per Section 7.4.1 A.3. of the Zoning Ordinance.**
26

27 Location: **A 0.43-acre lot in the Southeast Quarter of the Northeast Quarter of Section 10,**
28 **Township 19 North Range 9 East of the Third Principal Meridian in Urbana**
29 **Township, commonly known as the residence with an address of 903 North High**
30 **Cross Road, Urbana.**
31

32 Ms. Cunningham informed the audience that anyone wishing to testify for any public hearing tonight must
33 sign the witness register for that public hearing. She reminded the audience that when they sign the witness
34 register, they are signing an oath.
35

36 Ms. Cunningham informed the audience that these cases are administrative cases, and as such, the county
37 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she would
38 ask for a show of hands from those who would like to cross-examine, and each person would be called
39 upon. She said that those who merely cross-examine are not required to sign the witness register but will
40 be asked to clearly state their name before asking any questions. She noted that no new testimony was to
41 be given during the cross-examination. She said that attorneys who have complied with article 7.6 of the
42 ZBA by-laws are exempt from cross-examination.
43

44 Ms. Cunningham asked if the petitioner would like to outline the nature of their request.
45

46 Fatima Salazar gave her address as 903 N High Cross Road, Urbana, IL 61802. Ms. Salazar addressed this
47 case as a continuation of the February 29th, 2024, meeting. She has presented to the Zoning Board a
48 revised plan that confirms the applicable county ordinances and codes. Ms. Salazar directed the Board to
49 the revised plan that was submitted. She said that with the help of Mr. Campo, they took into account the

1 different visibility triangles to be taken into account when planning the driveway. She said that the blue
2 triangle takes into account the 50-foot corner visibility, and the yellow is for the driveway visibility. Ms.
3 Salazar mentioned the plan has also been updated to add landscape screening outside of the visibility
4 triangles to help with concerns about the vehicles onsite. Ms. Salazar continued that they have been in
5 contact with Mr. Richard Thompson, the Urbana Township Highway Commissioner, and he authorized
6 the installation of a culvert on the NW corner of the property in question.

7
8 Ms. Cunningham asked Ms. Salazar if she had anything else to add, and she didn't. Ms. Cunningham
9 asked if anyone on the Board had questions for Ms. Salazar. Mr. Flesner commented that he appreciated
10 the updated plan and asked if the property was on city water and/or sewer or if they had a well and septic.
11 Ms. Salazar responded that they are on city water and have a septic tank on the east side of the property
12 close to the east lot line. Mr. Flesner offered advice about not putting the gravel bed on top of the a possible
13 leach field because it might cause problems in the future. Ms. Salazar thanked Mr. Flesner for the
14 information. Ms. Cunningham asked for more questions from the Board, there were none.

15
16 Ms. Cunningham asked if the staff had any questions. Mr. Hall pointed out for the Board that this was a
17 unique situation because of the corner visibility triangle of High Cross Road and Anthony Drive and all
18 of the vehicles are out of that specific visibility triangle. He concluded that not as much landscape
19 screening would be feasible along the north property line, which would be resolved during permitting. Mr.
20 Hall reiterated that the petitioner said that this plan does comply with both visibility triangles along with
21 the driveway visibility triangles to the Board and that this was a unique situation because of the corner
22 visibility triangle of High Cross Road and Anthony Drive.

23
24 Ms. Cunningham asked if any members of the audience wanted to cross-examine Ms. Salazar. Seeing
25 none, she asked for members of the audience to present testimony. Before audience testimony, Ms. Salazar
26 added to her opening statement that she was hopeful that the Zoning Board would take into account the
27 changes made to address the parking concerns brought up at the February 29th meeting. Ms. Salazar
28 emphasized they are working with the Zoning Department to comply with the ordinances. She continued
29 that they have been living at the property since 2017 and haven't had any previous issues with company
30 vehicles blocking roadways or preventing emergency vehicles from accessing any properties needing
31 emergency services. She said they have never blocked the fire hydrant and have made it a point to identify
32 where the hydrant is located on the NE side of the property and outside the proposed locations for company
33 vehicles. She said the main goal is to maintain all company vehicles within the property lines and keep
34 them off the roadway and not obstruct current traffic patterns.

35
36 Ms. Cunningham asked for other testimony. Deborah Griest of 1802 Cindy Lynn St, Urbana, IL 61802
37 said that she owns the property to the subject site's NW (across High Cross Road). Ms. Griest doesn't
38 come before the Board lightly, and she holds no animosity or ill will toward the petitioners. She is before
39 the Board to discuss usage and not petitioners, and she wished it be kept in mind. Ms. Griest complimented
40 the petitioners on additions they have made to their residence. Ms. Griest, reading from a prepared
41 statement, said she presented testimony before the Board on February 29th, 2024, and has reviewed the
42 changes proposed in the new memorandum. Ms. Griest still has remaining questions and comments. Ms
43 Griest continued by stating that in the memorandum, the Urbana Township Highway Commissioner had
44 approved the second driveway. Ms. Griest stated that this approval was not subject to the Zoning Board
45 approval because Mr. Thompson was informed that the petitioners had approval from the Zoning Board.
46 She said that since the February 29th meeting, a new culvert had been delivered to the site. Ms. Griest's
47 questions are about employees, vehicles, parking, and the enforcement powers of the Board. Ms. Griest
48 stressed that her concerns are about the density of use in a very tight area. She thought she made the point
49 specifically in her first memorandum, but she doesn't feel that those issues were addressed in the follow-

1 up. Ms. Griest continued by questioning the number of employees and wanted the Board to examine what
2 a “family member employee” means before making the final determination. She also pleaded that the
3 limitation be placed on the definition to restrict family-member employee allowances to only those living
4 at the property, which she believes is the intent of the ordinance. Ms. Griest said she heard the petitioner
5 testify that most of his employees are related family members. Ms. Griest claimed that everyone has
6 extended family, which includes siblings, cousins, aunts, uncles, etc. She knows that Planning and Zoning
7 doesn’t have the resources to go out and check family status, meaning this would be an un-enforceable
8 restriction to put 1 non-family member employee on the condition because you have no way of knowing
9 if the other 5 people or 20 people that show up are family or not. Ms. Griest again asked that the restriction
10 be placed only to allow family member employees who live at the residence and not include employees
11 who don’t live there, because it would improve the special conditions. She also requested an additional
12 special condition to define the number of family employees not living at the residence.

13
14 Ms. Griest continued to address the vehicles on the property. She asked if the petitioner's personal vehicles
15 are going to be in addition to the parking spots indicated on the site plan. Ms. Griest said she was certain
16 they are, but she felt the need to ask that question still. Ms. Griest continued that the personal vehicles are
17 not part of the zoning approval; she asks the Board to consider how personal vehicles would impact the
18 overall density on the site and where will the personal vehicles park because the site is already full of
19 commercial vehicles.

20
21 Ms. Griest moved on to address the parking at the property. She said there are seven commercial parking
22 spaces, all 9 feet by 20 feet. She is curious to know if more than one vehicle will be allowed to park in
23 one spot at a time and does that count as a single vehicle or one parking area. She also wanted to know
24 what constitutes a vehicle; does a trailer constitute a vehicle or does it need to be motorized to be
25 considered a vehicle? If it does need to be motorized, what is going to happen to all of the trailers that the
26 petitioners have? Ms. Griest said that the number of trailers on the property is part of her issue.

27
28 Ms. Griest moved on to discuss the enforcement powers of Planning And Zoning. She asked what powers
29 the Department of Planning and Zoning has if the petitioners do not adhere to their proposals? She pleaded
30 again for the Board to consider that before making the approval.

31
32 Ms. Griest moved to address the Board and the petitioners specifically. She encouraged the petitioners to
33 consider renting of additional off-site parking for their commercial vehicles at locations similar to storage
34 facilities instead of trying to cram the vehicles onto a residential lot of under .5 acres. She stated this could
35 meet their needs at a minimal cost and eliminate the need for the variances.

36
37 Ms. Griest moved on to the findings of fact and addressed item 6b. She recommended that 6b include an
38 item with the verbiage “or rent or purchase off-side parking capabilities” to accurately portray the full
39 scope of that item. She moved on to item 6c and said that she doesn’t think the fact that the petitioners
40 were unaware of the parking restrictions under their Home Occupation permit constitutes a special
41 circumstance and are as a result of the actions of the petitioner. Ms. Griest ended her comments.

42
43 Mr. Flesner commented that he had recently driven past the site in question, along with driving farther
44 back behind the property, and he asked Ms. Griest for her opinion of the other properties near the
45 petitioner’s location. He stated that those other sites have similar vehicle congestion (steamrollers, dump
46 trailers, etc.) as the petitioner’s property. Ms. Griest said that other site issues are not relevant to the
47 pending case.

48
49 Mr. Andersen asked Mr. Hall about enforcement practices if the petitioner's property has violations going

1 forward. Mr. Hall responded by stating that if the Department documents more than seven commercial
2 vehicles (licensed vehicles, which would include trailers), with the petitioner's company logo on them, if
3 they document more than seven commercial vehicles on the property, that is a problem. Mr. Hall continued
4 by saying that during the investigation, if they found out that those vehicles belonged to people who were
5 just visiting the property and were not work-related there is nothing the Department can do. However, if
6 more than seven vehicles are on the property as an ongoing situation, the Department would investigate
7 and work to find out if it is a violation. Mr. Hall reiterated that the number of commercial vehicles allowed
8 is very clear, and that number is 7. Mr. Hall believed the Zoning Board doesn't intend to dictate where
9 friends can park on the property.

10
11 Mr. Hall moved on to address the "number of employees" concern. He encouraged the Board to verify
12 with the petitioner the number of non-resident employees they currently have and pointed out there is a
13 condition that stated if the number exceeds one, they need to apply for a new special use permit. Mr. Hall
14 believes the employee concern is easy to address and that Ms. Griest is concerned more about the number
15 of vehicles on site and not the number of employees. He continued that if the department continues to get
16 reports of more than one non-resident employee on the property, they will contact the petitioners to ask
17 questions. Mr. Hall finished by saying that enforcement is never easy, and once the number of employees
18 is confirmed, the number of vehicles is limited by the site plan. He said that as in any other case, there
19 might be a violation in the future and it is the Department's job to deal with it, and they will. Even if a
20 violation is found, it will be sent to the State's Attorney's Office and is out of the Department's hands.

21
22 Mr. Flesner had a question for Mr. Hall. Mr. Flesner asked about the seven spots for the petitioner's
23 commercial vehicles and how contractor or sub-contractor commercial vehicles impact the site. Mr. Hall
24 responded that contractor vehicles working directly on the petitioner's property are not the subject of the
25 special use permit or variance and those vehicles would need to be accommodated with some level of
26 consistency. Mr. Hall commented on seeing contractor vehicles in the street because multiple homeowners
27 have contractors working on their individual property for various reasons, which is not a violation, and he
28 doesn't believe it would be a violation in this case.

29
30 Ms. Cunningham asked for additional questions from the Board or staff, and none were present. Ms.
31 Cunningham asked for people to cross-examine the witness. Mr. Palzan wished to cross-examine Ms.
32 Griest.

33
34 Pedro Palzan came to the cross-examination microphone and said that he lives at 903 N High Cross Road,
35 Urbana, IL 61802. His question for Ms. Griest concerned the conversation she had with the Urbana
36 Township Highway Commissioner. Mr. Palzan asked for clarification about whether Ms. Griest was aware
37 of any conversations between him and Mr. Richard Thompson. Ms. Griest responded that Mr. Thompson
38 provided the information during a face-to-face conversation. Mr. Palzan wanted to know if there was any
39 documentation of the meeting; Ms. Griest reiterated that it was a face-to-face conversation, and she didn't
40 ask for anything in writing. Ms. Griest tried to question Mr. Palzan but was reminded by Ms. Cunningham
41 that Mr. Palzan should ask questions at the time. Ms. Griest said she would ask Mr. Palzan questions if he
42 provided testimony. Ms. Griest reiterated that she isn't opposed to what Mr. Palzan is doing; it is about
43 the intensity and volume of parking on the site. Mr. Palzan had no further questions.

44
45 Mr. Flesner had a question for Mr. Hall. Mr. Flesner said he was curious about the authority of road
46 commissioners to install culverts without the permission of other departments. Mr. Hall stated that the
47 commissioner approved the culvert and that it is up to the Zoning Board to approve a site plan with a
48 driveway at the location of the installed culvert. He reiterated that the road commissioner and Zoning
49 Board are separate jurisdictions. Mr. Flesner asked for clarification on the commissioner installing the

1 culvert because it was done on a township road, which is his jurisdiction. Mr. Hall said the job of the
2 Zoning Board is to review the site plan and decide if a driveway at that location is what the Board thinks
3 is best for the neighborhood. Mr. Hall said that if the Board doesn't think it is, it would be up to the Board
4 not to approve the site plan. Mr. Hall said the Board can approve a site plan without consulting the road
5 commissioner, but it would be the commissioner's call to confirm that the plan would work for the roads.
6

7 Ms. Cunningham asked if there were further questions from the Board or staff for Ms. Griest, and there
8 were none. Ms. Cunningham called on Ms. Salazar to provide additional information. Ms. Salazar said
9 that she and Mr. Palzan signed the oath to provide the truth and stated she was surprised that Ms. Griest
10 would come before the board and not provide the whole truth. Ms. Cunningham asked Ms. Salazar to keep
11 to comments about the case. Ms. Salazar said that they never told Mr. Thompson that they had an approved
12 site plan or variance, but they mentioned that they had submitted an application and were working through
13 the issues brought up by a neighbor. Ms. Salazar said that Mr. Palzan did meet with Mr. Thompson at the
14 site and the culvert was approved. Ms. Salazar mentioned that they already had a permit approve and
15 wouldn't make anything like that because they believe in integrity. She also addressed the concern
16 brought up by Ms. Griest about family members working for their business, and Ms. Salazar said that they
17 never made any comments about family members working for them. Ms. Salazar said that multiple events
18 are happening before the Zoning Board, which is confusing. One is the application before the Zoning
19 Board to approve the special permits for the company vehicles, and the other is the construction happening
20 on their property, which is approved. Ms. Salazar believes Ms. Griest is confused because she mentioned
21 employees and vehicles. Ms. Salazar said they are currently a client because of the construction on their
22 house. She mentioned that several local companies have been at their location, but they are not a part of
23 their business. Ms. Salazar hopes the Board will recognize that the additional traffic is separate from the
24 permit they seek approval for.
25

26 Mr. Randol asked Ms. Salazar how many employees the business has and how many company vehicles
27 they have. Ms. Salazar said they currently have one part-time employee and seven company vehicles. Mr.
28 Randol asked where the employees park if all of their parking spots are currently occupied. Ms. Salazar
29 provided background information about how the business runs. She said that during the winter months,
30 all seven of the vehicles are on site because they aren't taking jobs during those months. She added that
31 once the weather changes, most of their vehicles are out servicing clients' homes, and the total number at
32 their home will not exceed seven.
33

34 Mr. Flesner asked how many of the seven commercial vehicles are also personal. Ms. Salazar said that
35 their vehicle is stored inside their garage. Ms. Cunningham asked where the employee parks, and Ms.
36 Salazar said the employee currently parks on the grass near the north property line. Mr. Hall asked where
37 the employee would park once the business starts taking jobs. Ms. Salazar said the employee would park
38 in one of the commercial spots in the existing driveway. Mr. Randol asked how one employee could drive
39 seven vehicles. Ms. Salazar said they are looking to hire sales personnel, but that wouldn't impact parking
40 because they would drive one of the company vehicles during the season and not have a personal vehicle
41 on site. Ms. Cunningham asked how many vehicles are currently parked at the site. Ms. Salazar said they
42 currently have five vehicles on site. Ms. Cunningham asked how many would be there tomorrow when
43 the day started, and Ms. Salazar said that three would be there because they had projects lined up
44 tomorrow, and one employee would take a vehicle, and she would be driving the other truck. Ms. Salazar
45 said that as co-owner of the business with Mr. Palzan, they do multiple jobs for the business and do a lot
46 of the driving.
47

48 Ms. Cunningham asked about the landscaping for the property, mentioning the trees indicated on the south
49 side and about future landscaping to screen the parking. Ms. Salazar responded that on the west side of

1 the property, outside of the triangle of visibility, they are looking to add landscaping to help screen the
2 proposed driveway. Ms. Salazar said they are still deciding on the screening length but wanted to indicate
3 it will be happening on the site plan. However, they will follow the Board's recommendations if there are
4 length requirements for the screening.

5
6 Ms. Cunningham asked if the Board had more questions but there were none. Mr. Hall said he wanted to
7 clarify the confusion about having family members as employees. Mr. Hall cited the Zoning Ordinance:
8 "a home occupation is conducted by member or members of the immediate family residing on the
9 premises." He said that family members who don't reside on the premises involved in the home occupation
10 are the same as non-related individuals involved in the home occupation. Mr. Hall continued that the limit
11 of employees only applies to non-resident individuals. Mr. Hall added that special condition 6b should
12 include the phrase "non-resident" to make it clear when the special conditions are reviewed.

13
14 Mr. Andersen asked Mr. Hall how many vehicles the petitioners are allowed without the special
15 conditions. Mr. Hall confirmed that they are only allowed one commercial vehicle. Mr. Hall added
16 information about how the Department was unsure of deciding on the home being a neighborhood home
17 occupation with special conditions when they could have had more vehicles as a rural home occupation
18 because they are in the AG-2 zoning district. However, they are within proximity of a residential district.
19 He said this resulted in the department trying to decide which would be the best way to go, considering
20 the public's interest and the petitioner's. He said by going with the neighborhood home occupation, one
21 vehicle is allowed and that explains why the special use permit is requested for six additional vehicles.

22
23 Seeing no more questions from the Board, staff, or the audience, Ms. Cunningham called for a motion to
24 close the witness registrar. Mr. Andersen made the motion and was seconded by Mr. Flesner. The motion
25 passed via voice vote.

26
27 Ms. Cunningham asked Ms. Salazar back to the microphone to agree to the special conditions for Case
28 128-S-24.

29
30 **PROPOSED SPECIAL CONDITIONS**

31
32 Ms. Cunningham read the special condition A:
33 Regarding proposed special conditions of approval:

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

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

40
41 Ms. Salazar agreed.

42
43 Ms. Cunningham read special condition B:

- 44 B. **Should the number of non-family & non-resident employees for both Neighborhood**
45 **Home Occupations exceed one, the petitioner must either:**
46 **(1) apply for a new Special Use Permit, or**
47

- (2) ensure that only one employee parks at the subject property and other employees meet at work sites.

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

That the Neighborhood Home Occupations comply with Zoning Ordinance requirements.

Ms. Salazar agreed and returned to her seat.

Mr. Hall said there are no new documents of record.

Mr. Hall referred to Ms. Griest's suggestions about the special conditions and whether they result from the applicant's actions. He explained that he had seen the Board make the finding that actions didn't result from the petitioner's actions. He continued by saying that he can't make the same statement and that it is hard for him to figure out because it requires a level of analysis, which is a challenge. He said that generally, the Board is happy with its findings. He added that in this case, having worked with the petitioner on their site plan, they didn't put the driveway where it is, nor did they place the house where it is. Mr. Hall mentioned that the petitioners didn't put the house at the north end of the property with two corner visibility triangles; they took the property as it was. Mr. Hall believed the petitioners only chose to start a home occupation on the property with one non-resident employee; everything else about the property was already there. Mr. Hall believed the petitioners have a tough situation when it comes to trying to add additional parking onto the property. Mr. Hall acknowledged that parking is needed because of a business, but will leave it up to the Board to sort that out. Mr. Hall believed that Champaign County generally believes home occupations are a good thing, and the department has only tried to make them as easy as possible. He said that even as easy as the process tries to be, the Board is being asked to approve a home occupation that doesn't fit the standard requirements. Mr. Hall acknowledged the findings could be more thorough, but the department doesn't want to send a case before the Board unless the department is comfortable with special conditions allowing the Board to make affirmative findings. Mr. Hall can't recall a zoning case where he felt 100% fine with the findings presented to the Board because the department doesn't have time to do that. However, he is proud of how the Board works through the findings in a way that approves the requests. He added that this was true when Ms. Griest was the Chair of the Zoning Board for ten years, it was true before Ms. Griest was the Chair, and it has always brought Mr. Hall joy when working with the Zoning Board because the Board finds a way to approve a request in a way that people in the neighborhood should be happy with the results. Mr. Hall also added that it is common for the Board to approve a request and leave complaints up to the Department afterward, but he doesn't want that to be a concern for the Board tonight because it can't be avoided.

Ms. Cunningham asked for a motion to proceed to the findings of fact. Mr. Roberts made the motion, which Mr. Randol seconded. The motion was approved via voice vote.

FINDINGS OF FACTS

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **128-S-24 and 131-V-24** held on **February 29th, 2024**, and **April 11th, 2024**, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit {IS / IS NOT} necessary for the public convenience at this location because:**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

Mr. Randol said the requested special use permit IS necessary because Neighborhood Home Occupations are authorized by right in all Zoning Districts as accessory uses per the requirements established in Section 7.1.1 of the Zoning Ordinance, and the petitioners are currently not in a financial position to establish their businesses in a separate location.

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.

Mr. Randol said the street has ADEQUATE traffic capacity, and the entrance location has ADEQUATE visibility.

b. Emergency services availability is {ADEQUATE / INADEQUATE} {because*}:

Mr. Randol said that emergency services availability is ADEQUATE because the Carroll Fire Station is 1.6 road miles from the subject property.

c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses {because*}:

Mr. Randol said the special use WILL be compatible with adjacent uses because: A. notices regarding this case were sent to neighbors, and comments have been received. B. The petitioners have received no complaints about the business on the subject property. C. The Department of Planning and Zoning has received a complaint about mud being tracked onto the roadway and the number of vehicles on the property. D. The Department of Planning and Zoning has received inquiries about the number of employees.

d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} {because*}:

Mr. Randol said that surface and subsurface drainage will be ADEQUATE because there is no additional impervious area being created that would affect drainage.

e. Public safety will be {ADEQUATE / INADEQUATE} {because*}:

Mr. Andersen said that public safety will be ADEQUATE because relevant jurisdictions have been notified of this case, and concerns have been addressed.

f. The provisions for parking will be {ADEQUATE / INADEQUATE} {because*}:

Mr. Randol said the parking provisions will be ADEQUATE because there is sufficient area for parking onsite.

g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed improvements {because*}:

1
2 Mr. Randol said the property IS well-suited overall for the proposed improvements because no new
3 construction is proposed for the businesses.

4
5 **h. Existing public services {ARE/ARE NOT} available to support the proposed**
6 **SPECIAL USE without undue public expense {because*}:**

7
8 Mr. Randol said the existing public services ARE available to support the proposed special use without
9 undue public expense because no new public services are required for the proposed Special Use.

10
11 **i. Existing public infrastructure together with the proposed development {IS/IS NOT}**
12 **adequate to support the proposed development effectively and safely without undue**
13 **public expense {because*}:**

14
15 Mr. Randol said the existing public infrastructure, together with the proposed development, IS adequate
16 to support the proposed development effectively and safely without undue public expense because no
17 new public infrastructure is required for the proposed Special Use.

18
19 Mr. Randol said the requested special use permit is so designed, located, and proposed to be operated so
20 that it WILL NOT be injurious to the district in which it shall be located.

21
22 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
23 **IMPOSED HEREIN} {DOES / DOES NOT} conform to the applicable regulations and**
24 **standards of the DISTRICT in which it is located.**

25
26 Mr. Randol said the requested special use permit DOES conform to the application regulations and
27 standards.

28
29 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
30 **IMPOSED HEREIN} {DOES / DOES NOT} preserve the essential character of the**
31 **DISTRICT in which it is located because:**

32
33 Mr. Randol said the requested special use permit DOES preserve the essential character of the district.

34
35 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**
36 **County ordinances and codes.**

37
38 Mr. Randol said the special use will be designed to CONFORM to all relevant county ordinances and
39 codes.

40
41 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**

42
43 Mr. Randol said the special use WILL be compatible with adjacent uses.

44
45 **c. Public safety will be {ADEQUATE / INADEQUATE}.**

46 Mr. Randol said public safety will be ADEQUATE.

1 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
 2 **HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance**
 3 **because:**
 4

5 Mr. Randol said the requested special use permit IS in harmony with the general purpose and intent of the
 6 ordinance.
 7

- 8 **a. The Special Use is authorized in the District.**
- 9 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public**
 10 **convenience at this location.**
 11

12 Mr. Randol said the requested special use permit IS necessary for the public convenience at this
 13 location.
 14

- 15 **c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
 16 **IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it**
 17 **{WILL / WILL NOT} be injurious to the district in which it shall be located or**
 18 **otherwise detrimental to the public health, safety, and welfare.**
 19

20 Mr. Randol said the requested special use permit is so designed, located, and proposed to be operated so
 21 that it WILL NOT be injurious to the district.
 22

- 23 **d. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
 24 **IMPOSED HEREIN} {DOES / DOES NOT} preserve the essential character of the**
 25 **DISTRICT in which it is located.**
 26

27 Mr. Randol said the requested special use permit DOES preserve the essential character of the district.
 28

29 **5. The requested Special Use IS NOT an existing nonconforming use.**

30 **6. Regarding the variance:**

- 31 **a. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the**
 32 **land or structure involved, which are not applicable to other similarly situated land**
 33 **and structures elsewhere in the same district because:**
 34

35 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
 36 structure involved because the existing paved parking area extends over the north and east lot lines
 37 and the petitioners want to maximize use of this area.
 38

- 39 **b. Practical difficulties or hardships created by carrying out the strict letter of the**
 40 **regulations sought to be varied {WILL / WILL NOT} prevent reasonable or**
 41 **otherwise permitted use of the land or structure or construction because:**
 42

43 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
 44 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land because
 45 parking would be within 10 feet of the property line due to the location of the existing house and
 46 driveway.
 47

- 48 **c. The special conditions, circumstances, hardships, or practical difficulties {DO / DO**
 49 **NOT} result from actions of the applicant because:**

1
2 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
3 from actions of the applicant because the petitioners were unaware of the parking regulations.
4

5 **d. The requested variance {IS / IS NOT} in harmony with the general purpose and**
6 **intent of the Ordinance because:**
7

8 Mr. Randol said the requested variance IS in harmony with the general purpose and intent of the
9 ordinance because Anthony Drive has an unusually wide 70-foot right-of-way, so the petitioners and
10 road users can safely maneuver, and there are no known plans to expand or widen adjacent roads.
11

12 **e. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or**
13 **otherwise detrimental to the public health, safety, or welfare because:**
14

15 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
16 detrimental to the public health, safety, or welfare because relevant jurisdictions have been notified of
17 the variance, and concerns have been addressed.
18

19 **f. The requested variance {IS / IS NOT} the minimum variation that will make**
20 **possible the reasonable use of the land/structure because:**
21

22 Mr. Randol said the requested variance IS the minimum variation that will make possible the reasonable
23 use of the land because in order to minimize costs and use of pavement, the requested variance is the
24 minimum variation.
25

26 Ms Cunningham asked for a motion to adopt the Summary of Evidence and Finding of Fact. Mr Flessner
27 made the motion and it was seconded by Mr. Roberts. The motion was approved by voice vote.
28

29 Ms. Cunningham asked for a motion to move to final determination. Mr. Roberts made the motion and it
30 was seconded by Mr. Flesner. The motion was approved by voice vote.
31

32 Ms. Cunningham stated that they have to vote on each case individually through roll call vote.
33

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

38 The Special Use requested in Case 128-S-24 is hereby {GRANTED/ GRANTED WITH SPECIAL
39 CONDITIONS / DENIED} to the applicant, Fatima Salazar and Pedro Palzan, d.b.a. Roof Panther and
40 K2 Builders LLC, to authorize the following:

41 Authorize a Special Use Permit for a Neighborhood Home Occupation that exceeds the maximum allowed
42 number of vehicles in the AG-2 Agriculture Zoning District per Section 7.1.1. of the Zoning Ordinance,
43 subject to the variance in Case 131-V-24. The Zoning Administrator shall not authorize a Zoning Use
44 Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed
45 exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2. and
46 Should the number of non-family employees for both Neighborhood Home Occupations exceed one, the
47 petitioner must either: apply for a new Special Use Permit, or ensure that only one employee parks at the
48 subject property and other employees meet at work sites.
49

1 Mr. Randol made the motion that the requirement have been met and the Special Use Permit should be
2 granted with the Special Conditions and the motion was seconded by Mr. Roberts.

3
4 Roll call vote on 128-S-24 is as follows:

5 **Randol – Yes Roberts – Yes Andersen – Yes**
6 **Flesner – Yes Cunningham – Yes**

7
8 Final Determination for Case 131-V-24. Ms. Cunningham stated:

9
10 The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and
11 other evidence received in this case, that the requirements for approval in Section 9.1.9.C {HAVE/HAVE
12 NOT} been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County
13 Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

14 The Variance requested in Case 131-V-24 is hereby {GRANTED / GRANTED WITH CONDITIONS /
15 DENIED} to the petitioners, Fatima Salazar and Pedro Palzan, d.b.a. Roof Panther and K2 Builders LLC,
16 to authorize the following variance:

17 Authorize a Variance for a Neighborhood Home Occupation with parking that is 0 feet from the front lot
18 line and side lot lines in lieu of the minimum required 10 feet from the front lot line and 5 feet from the
19 side lot lines in the AG-2 Agriculture Zoning District, per Section 7.4.1 A.3. of the Zoning Ordinance.

20
21 Mr. Randol made the motion that the requirements have been met and the variance should be granted
22 which was seconded by Mr. Anderson.

23
24 Roll call vote on 131-V-24 is as follows:

25 **Randol – Yes Roberts – Yes Andersen – Yes**
26 **Flesner – Yes Cunningham – Yes**

27
28 Mr. Hall said the department will be in touch with the petitioners.

29
30 **7. New Public Hearings - None**

31
32 **8. Staff Report - None**

33
34 **9. Other Business**

35 **A. Review of Docket - None**

36
37 **B. Board Support for ZBA Chair requested Leave of Absence through July 2024**

38 Motion made by Mr. Randol and seconded by Mr. Roberts. Passed by voice vote.

39
40 **10. Adjournment – Ms. Cunningham asked for a motion to adjourn. The motion to adjourn was**
41 **made by Mr. Roberts and seconded by Mr. Anderson. The motion was approved by voice vote. The**
42 **time of adjournment was 9:14 pm**