

CASE 030-AT-21

PRELIMINARY MEMORANDUM

JANUARY 18, 2022

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Amend Section 3.0 Definitions by adding a definition for “DATA CENTER” and “PV SOLAR ARRAY.”
2. Add new paragraph 4.2.1 C.6. that authorizes a PV SOLAR ARRAY as a County Board SPECIAL USE Permit in the AG-2 Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.
3. Amend Section 5.2 Table of Authorized Principal Uses by adding DATA CENTER as a Special Use in the AG-2 Agriculture, B-4 General Business and I-1 Light Industry Zoning Districts, and by adding PV SOLAR ARRAY as a County Board Special Use Permit in the AG-2 Agriculture and all Business and Industrial Zoning Districts.
4. Add footnote 31 to Section 5.2 Table of Authorized Principal Uses for classifying the requirements for PV SOLAR ARRAYS with an output of one megawatt or more as a County Board Special Use Permit and PV solar arrays with an output of less than one megawatt as an ACCESSORY PV SOLAR ARRAY.
5. Add standard conditions to Section 6.1.3 Schedule of Standard Conditions for Specific Types of Special Uses as follows:
 - A. The location of the DATA CENTER must be approved in writing by the relevant Fire Protection District.
 - B. The petitioner shall provide the P&Z Department with a written explanation of security features for the DATA CENTER.
 - C. DATA CENTERS constructed with PV SOLAR ARRAYS shall be located adjacent to the solar inverter and as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice.
6. Add new Section 7.9 Accessory PV SOLAR ARRAY, with new requirements including but not limited to the following:
 - A. A PV SOLAR ARRAY with an output of less than one megawatt shall be permitted as an ACCESSORY STRUCTURE subject to the following standards:
 1. An accessory ground-mounted PV SOLAR ARRAY with less than one megawatt on contiguous lots under common ownership shall require compliance with minimum zoning requirements in Section 7.2 YARDS for DETACHED ACCESSORY BUILDINGS and STRUCTURES.
 2. For an accessory ground-mounted PV SOLAR ARRAY greater than 1,000 square feet in area, screening requirements shall apply per Sections 7.6.2 and 7.6.3.

3. No permit is required for roof-mounted PV SOLAR ARRAYS.
4. Loading berths and parking spaces are not required for accessory ground-mounted PV SOLAR ARRAYS.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

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

BACKGROUND

At its December 9, 2021 meeting, ELUC reviewed a memorandum dated November 29, 2021 regarding the proposed addition of “Data Center” and “Photovoltaic Solar Array” land uses. ELUC approved opening a ZBA public hearing for these amendments at its December 9, 2021 meeting.

Planning & Zoning has a client who is interested in establishing a data processing center that includes a 2 MW solar array to power the facility. There are different types of data centers, and the one being proposed has no on-site employees and is essentially one or more 20 feet by 100 feet (2,000 square feet) storage boxes. This design differs from other data centers that might have a server room that is part of a business office. A standalone data center is unique and therefore warrants its own land use category and requirements. The solar array in this situation is also unique because they do not propose selling the energy; it would only be used to power the onsite data processing center.

The City of Urbana defines a data center as “a centralized location where computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data.” This definition would be part of the proposed amendment.

ELUC MEMBER CONCERNS

ELUC member Jacob Paul said he was concerned about security and the risk of fire due to overheated computers. A data center used for crypto mining uses high-power computers that must be kept in cool conditions, usually by fans integrated into the facility.

In response to this concern, three standard conditions have been added to the Data Center land use in Section 6.1.3.

ATTACHMENTS

- A Legal advertisement
- B ELUC Memorandum dated November 29, 2021, with attachments:
 - Exhibit A: Proposed Amendment
- C Land Resource Management Plan (LRMP) Goals & Objectives
(provided on the ZBA meetings website)
- D Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 030-AT-21 dated January 27, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated January 27, 2022

LEGAL PUBLICATION: WEDNESDAY, JANUARY 12, 2022

CASE: 030-AT-21

NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF THE CHAMPAIGN COUNTY ZONING ORDINANCE

CASE 030-AT-21

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, January 27, 2022 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

1. Amend Section 3.0 Definitions by adding a definition for “DATA CENTER” and “PV SOLAR ARRAY.”
2. Add new paragraph 4.2.1 C.6. that authorizes a PV SOLAR ARRAY as a County Board SPECIAL USE Permit in the AG-2 Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.
3. Amend Section 5.2 Table of Authorized Principal Uses by adding DATA CENTER as a Special Use in the AG-2 Agriculture, B-4 General Business and I-1 Light Industry Zoning Districts, and by adding PV SOLAR ARRAY as a County Board Special Use Permit in the AG-2 Agriculture and all Business and Industrial Zoning Districts.
4. Add footnote 31 to Section 5.2 Table of Authorized Principal Uses for classifying the requirements for PV SOLAR ARRAYS with an output of one megawatt or more as a County Board Special Use Permit and PV solar arrays with an output of less than one megawatt as an ACCESSORY PV SOLAR ARRAY.
5. Add standard conditions to Section 6.1.3 Schedule of Standard Conditions for Specific Types of Special Uses as follows:
 - A. The location of the DATA CENTER must be approved in writing by the relevant Fire Protection District.
 - B. The petitioner shall provide the P&Z Department with a written explanation of security features for the DATA CENTER.
 - C. DATA CENTERS constructed with PV SOLAR ARRAYS shall be located adjacent to the solar inverter and as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice.
6. Add new Section 7.9 Accessory PV SOLAR ARRAY, with new requirements including but not limited to the following:
 - A. A PV SOLAR ARRAY with an output of less than one megawatt shall be permitted as an ACCESSORY STRUCTURE subject to the following standards:
 1. An accessory ground-mounted PV SOLAR ARRAY with less than one megawatt on contiguous lots under common ownership shall require compliance with

minimum zoning requirements in Section 7.2 YARDS for DETACHED ACCESSORY BUILDINGS and STRUCTURES.

2. For an accessory ground-mounted PV SOLAR ARRAY greater than 1,000 square feet in area, screening requirements shall apply per Sections 7.6.2 and 7.6.3.
3. No permit is required for roof-mounted PV SOLAR ARRAYS.
4. Loading berths and parking spaces are not required for accessory ground-mounted PV SOLAR ARRAYS.

All persons interested are invited to attend said hearing and be heard. Please wear a mask. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, JANUARY 12, 2022, ONLY

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

Our News Gazette account number is 99225860.

Champaign County
Department of

**PLANNING &
ZONING**

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

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

TO: Environment and Land Use Committee
FROM: John Hall, Zoning Administrator
DATE: November 29, 2021
RE: Authorization for Public Hearing on Proposed Zoning Ordinance Text Amendment to add requirements for “DATA CENTER” and “PV SOLAR ARRAY”

BACKGROUND

Planning & Zoning has a client who is interested in establishing a data processing center that includes a 2 MW solar array to power the facility. There are different types of data centers, and the one being proposed has no on-site employees and is essentially one or more 20 feet by 100 feet (2,000 square feet) storage boxes. This design differs from other data centers that might have a server room that is part of a business office. A standalone data center is unique and therefore warrants its own land use category and requirements. The solar array in this situation is also unique because they do not propose selling the energy; it would only be used to power the onsite data processing center.

The City of Urbana defines a data center as “a centralized location where computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data.” This definition would be part of the proposed amendment.

PROPOSED TEXT AMENDMENT

An outline of the proposed amendment is attached.

TEXT AMENDMENT PUBLIC HEARING TIMELINE

The public hearing requires a legal advertisement in the newspaper and notice provided to all relevant municipalities. If the public hearing is authorized by ELUC on December 9, the anticipate timeline (*earliest possible dates) is as follows:

- | | |
|--|--------------------------------------|
| 1. Public Hearing opens at the Champaign County Zoning Board of Appeals (CCZBA) | *Thursday, January 27, 2022 |
| 2. Public Hearing closes at CCZBA and the CCZBA makes recommendations to the Champaign County Board | **Thursday, February 17, 2022 |
| 3. Environment and Land Use Committee of the Champaign County Board (ELUC) affirms or amends CCZBA’s recommendation | *Thursday, March 10, 2022 |
| 4. Environment and Land Use Committee of the Champaign County Board makes a recommendation to the Champaign County Board | *Thursday, April 7, 2022 |
| 5. Champaign County Board makes a final determination | *Thursday, April 21, 2022 |

*earliest anticipated dates of action

ATTACHMENTS

- A Outline of Proposed Amendment

EXHIBIT A: PROPOSED AMENDMENT

1. Add the following to Section 3. Definitions:

DATA CENTER: A centralized location where computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data.

PV SOLAR ARRAY: a collection of multiple photovoltaic solar panels that convert sunlight to electricity as a system primarily to be used onsite.

2. Revise Section 5.2 as follows:

SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- DATA CENTER would be a new by right land use in the B-4 General Business and I-1 Light Industry Zoning Districts, as shown in the table below.
- PV SOLAR ARRAY would be allowed by a COUNTY BOARD Special Use Permit in all Business and Industrial Zoning Districts with this amendment, as shown in the table below.

Principal USES	Zoning DISTRICTS															
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
DATA CENTER																
PV SOLAR ARRAY ³¹									B	B	B	B	B	B	B	



= Permitted by right



= Permitted by COUNTY BOARD Special Use Permit

3. Add new Footnote 31 under Section 5.2 as follows:

31. A PV SOLAR ARRAY with one megawatt or more is permitted by a COUNTY BOARD Special Use Permit, subject to the requirements of Sections 6.1.1 and 6.1.5 of the Zoning Ordinance and shall also be a second PRINCIPAL USE requiring a Special Use Permit per Section 4.2.1 F. A PV SOLAR ARRAY with less than one megawatt is permitted under the terms of Section 7.9 ACCESSORY PV SOLAR ARRAY.

4. Add new Section 7.9 ACCESSORY PV SOLAR ARRAY as follows:

A. A PV SOLAR ARRAY with an output of less than one megawatt shall be permitted as an ACCESSORY STRUCTURE subject to the following standards:

1. An accessory ground-mounted PV SOLAR ARRAY with less than one megawatt on contiguous lots under common ownership shall require compliance with minimum zoning requirements in Section 7.2 YARDS for DETACHED ACCESSORY BUILDINGS and STRUCTURES.

EXHIBIT A: PROPOSED AMENDMENT FOR CASE 008-AT-21

2. For an accessory ground-mounted PV SOLAR ARRAY greater than 1,000 square feet in area, screening requirements shall apply per Sections 7.6.2 and 7.6.3.
3. No permit is required for roof-mounted PV SOLAR ARRAYS.
4. Loading berths and parking spaces are not required for accessory ground-mounted PV SOLAR ARRAYS.

Attachment C: LRMP Goals, Objectives and Policies

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

PRELIMINARY DRAFT

030-AT-21

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{January 27, 2022}***

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

- 1. Amend Section 3.0 Definitions by adding a definition for “DATA CENTER” and “PV SOLAR ARRAY.”**
 - 2. Add new paragraph 4.2.1 C.6. that authorizes a PV SOLAR ARRAY as a County Board SPECIAL USE Permit in the AG-2 Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.**
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 - 5. Add standard conditions to Section 6.1.3 Schedule of Standard Conditions for Specific Types of Special Uses as follows:**
 - A. The location of the DATA CENTER must be approved in writing by the relevant Fire Protection District.**
 - B. The petitioner shall provide the P&Z Department with a written explanation of security features for the DATA CENTER.**
 - C. DATA CENTERS constructed with PV SOLAR ARRAYS shall be located adjacent to the solar inverter and as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice.**
 - 6. Add new Section 7.9 Accessory PV SOLAR ARRAY, with new requirements including but not limited to the following:**
-

- A. A PV SOLAR ARRAY with an output of less than one megawatt shall be permitted as an ACCESSORY STRUCTURE subject to the following standards:**
- 1. An accessory ground-mounted PV SOLAR ARRAY with less than one megawatt on contiguous lots under common ownership shall require compliance with minimum zoning requirements in Section 7.2 YARDS for DETACHED ACCESSORY BUILDINGS and STRUCTURES.**
 - 2. For an accessory ground-mounted PV SOLAR ARRAY greater than 1,000 square feet in area, screening requirements shall apply per Sections 7.6.2 and 7.6.3.**
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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 27, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to establish the requirements for Data Centers and PV Solar Arrays in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

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

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

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

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

Goal 3 has three objectives and no policies. Objective 3.1 is most relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 3 as follows:

- A. Objective 3.1 states, “Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.”

The proposed amendment will ***HELP ACHIEVE*** Objective 3.1 as follows:

- (1) The proposed text amendment will allow development of DATA CENTERS and PV SOLAR ARRAYS, which will allow newer technologies to improve Champaign County’s business climate.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

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

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.7, 4.8 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 4 for the following reasons:

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

The proposed amendment will ***HELP ACHIEVE*** Objective 4.1 for the following reasons:

- (1) The proposed amendment ***WILL NOT IMPEDE*** the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states: “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

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

- a. For a PV SOLAR ARRAY with an output of one megawatt or greater, the standard conditions for a PV SOLAR FARM are very restrictive and will ensure the following:
 - (a) Section 6.1.5 D. requires minimum separations between any PV SOLAR FARM and existing adjacent use to minimize issues of land use compatibility.
 - (b) No PV SOLAR FARM shall interfere with agricultural operations (see Objective 4.2).
 - (c) No PV SOLAR FARM shall be located at any location that is not well-suited for that PV SOLAR FARM (see Objective 4.3).
 - (d) Section 6.1.5 E. requires minimum standard conditions for any PV SOLAR FARM related to building codes, electrical components, maximum height, and warning signs.
 - (e) Section 6.1.5 I. establishes standard conditions to ensure that the allowable noise level created by a PV SOLAR FARM is consistent with the Illinois Pollution Control Board regulations that are the same for all rural land uses, including wind farms.
 - (f) Section 6.1.5 N. establishes minimum standard conditions to ensure that glare is minimized at any PV SOLAR FARM and to establish a process to resolve any complaints about glare that may arise regarding a PV SOLAR FARM.
 - (g) Section 6.1.5 O. requires a PV SOLAR FARM to carry minimum liability insurance to protect landowners.
 - (h) Section 6.1.5 P. requires operational standard conditions intended to ensure that nuisance conditions are not allowed to exist at a PV SOLAR FARM.
 - (i) Section 6.1.5 Q. requires any PV SOLAR FARM to have an approved Decommissioning and Site Reclamation Plan to ensure that funds will be available to remove a PV SOLAR FARM if the SOLAR FARM ever becomes non-functional.
 - b. The proposed amendment will require any PV SOLAR ARRAY with an output of one megawatt or greater to be authorized by a County Board Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- (3) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
- i. **Suitability of the site for the proposed use;**

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

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

- a. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Objective 4.3 regarding location at a suitable site and adequacy of infrastructure and public services.
- b. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Objective 4.2 regarding no interference with agricultural operations.
- c. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Goal 8 regarding conserving and enhancing the County’s landscape and natural resources.
- d. The proposed amendment will **HELP ACHIEVE** the County’s policies regarding minimizing the conversion of best prime farmland as follows:
 - (a) The only policy regarding conversion of best prime farmland by non-residential discretionary development is Policy 4.1.6b., which states, “On best prime farmland the County may authorize non-residential development.” Policy 4.1.6.b. has no limit on the conversion of best prime farmland for non-residential discretionary development and is merely a statement of fact and therefore, the proposed amendment does help achieve Policy 4.1.6b.
 - (b) Best prime farmland to be developed as a PV SOLAR ARRAY with an output of one megawatt or greater will be 100% converted. However, there is a distinction between conversion of best prime farmland and actual disturbance of best prime farmland. An analysis of the actual disturbance of best prime farmland for two proposed PV SOLAR FARMS in Champaign County revealed that the actual land disturbance (not merely the conversion of use) that would result from the construction of the two PV SOLAR FARMS may be no more than the land disturbance that would result from by-

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right residential development and in some cases the disturbance may be far less, as follows:

- i. The land disturbed by the construction of the PV SOLAR FARMS including by the installation of supports for the proposed single axis tracking PV SOLAR ARRAYS and the construction of the gravel and/or compacted earth access roads and the installation of underground trenching for medium-voltage underground wiring and the installation of electrical inverters and the construction of any required electrical substation, will total between 0.25 acres (0.44%) for a COMMUNITY PV SOLAR FARM proposed on a single 57.84 acre parcel and 37.7 acres (2.9%) of 1,299.1 acres for a utility scale PV SOLAR FARM proposed on 38 existing parcels.
 - ii. The amount of land that would be disturbed under “by-right” residential development on the same tracts would be about 1.00 acres (1.73%) for the COMMUNITY PV SOLAR FARM proposed on the single 57.84-acre parcel and 28.4 acres (2.2%) of the 1,299.1 acres for the utility scale PV SOLAR FARM proposed on 38 existing parcels.
- e. PV SOLAR ARRAYS do not require the permanent conversion of farmland; solar arrays can be removed at the owner’s choosing and the land can be put back into agricultural production.
 - f. DATA CENTERS utilize PV SOLAR ARRAYS for energy; therefore, they are generally located within the confines of a PV SOLAR FARM.

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

The proposed amendment will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. A PV SOLAR ARRAY with an output of one megawatt or greater **IS** a service better provided in a rural area as evidenced by the following:

- (a) A PV SOLAR FARM requires a large land area that generally makes it uneconomical for a PV SOLAR FARM to be located inside a municipality.
 - (b) A PV SOLAR ARRAY with an output of one megawatt or greater must be located where there is an adequate and proper connection to the electrical grid, which generally will be either near an electrical substation with adequate capacity (which is generally near to but outside of a municipality) or near a three-phase electrical distribution line with adequate capacity.
 - c. Even though a PV SOLAR ARRAY does not serve the surrounding agricultural uses directly, the land owner receives an annual payment from the PV SOLAR FARM operator far in excess of the value of a crop from that land.
 - d. The proposed amendment will require any PV SOLAR ARRAY with an output of one megawatt or greater to be authorized by a County Board Special Use Permit, which will allow for site specific review.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) is a type that does not negatively affect agricultural activities; or**
 - b) is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c) will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed amendment will ***HELP ACHIEVE*** Policy 4.2.2 for the following reasons:

- a. Section 6.1.5 F. details standard conditions to mitigate damage to farmland, including agricultural drainage tile and soil disturbance.
- b. Section 6.1.5 D. requires the perimeter fencing to be a minimum of 10 feet from the lot line. This minimum separation is intended to minimize interference with adjacent agricultural operations.
- c. Section 6.1.5 R. requires that an applicant shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture, including the following:
 - (a) The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (b) All requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the County Board SPECIAL USE Permit.

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- (c) Champaign County shall have the right to enforce all requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - d. DATA CENTERS utilize PV SOLAR ARRAYS for energy; therefore, they are generally located within the confines of a PV SOLAR FARM.
- (3) Policy 4.2.3 states, **“The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.3 for the following reason:

- a. Section 6.1.5 B.(4) creates a standard condition requiring compliance with the Right to Farm Resolution 3425.
- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.4 for the following reason:

- a. Section 6.1.5 D.(3)a.(b) requires perimeter fencing to be at least 10 feet from a SIDE or REAR LOT LINE for any adjacent LOT that is five acres or more in area; this serves as a buffer between the SOLAR ARRAYS and adjacent properties.
- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will *HELP ACHIEVE* Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.1 for the following reasons:

- a. See the discussion under Policy 4.3.2 regarding achievement of Policy 4.3.2. If the proposed amendment achieves Policy 4.3.2, it will also achieve Policy 4.3.1.
- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.2 for the following reasons:

-
- a. Because so much of Champaign County consists of best prime farmland soils, any development of a PV SOLAR ARRAY with an output of one megawatt or greater is likely to be on best prime farmland.
 - b. Section 6.1.5 C.(2) exempts a PV SOLAR FARM from the maximum lot area requirement on best prime farmland. This exemption means that the presence of best prime farmland should not be the cause for denial of any proposed PV SOLAR ARRAY. Other proposed standard conditions for a PV SOLAR FARM will ensure that a PV SOLAR ARRAY with an output of one megawatt or greater shall not be approved on any location that is not well-suited as follows:
 - (a) Section 6.1.5 B.(2) identifies areas where a PV SOLAR FARM should not be located.
 - (b) Section 6.1.5 F. details standard conditions to mitigate damage to farmland including underground agricultural drainage tile.
 - (c) Section 6.1.5 J. requires and Endangered Species Consultation with the IDNR and IDNR recommendations will be included in the Agency Action Report submitted with the Special Use Permit Application.
 - (d) Section 6.1.5 K. requires consultation with the State Historic Preservation Officer of IDNR and IDNR recommendations will be included in the Agency Action Report submitted with the Special Use Permit Application.
 - (e) Section 6.1.5 L. requires that the PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and, if necessary, mitigate impacts to wildlife.
 - (f) Section 6.1.5 M. requires that a visual screen shall be provided for any part of a PV SOLAR FARM that is visible to and located within 1,000 feet of a dwelling.
 - c. The proposed amendment will require any PV SOLAR ARRAY with an output of one megawatt or greater to be authorized by a County Board Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a proposed site is well suited overall for a proposed PV SOLAR ARRAY.
- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

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

- a. Section 6.1.5 H. requires the applicant for any PV SOLAR ARRAY one megawatt or greater to submit a copy of the site plan to the relevant Fire

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Protection District and to cooperate with the Fire Protection District to develop the Fire Protection District's emergency response plan for the proposed PV SOLAR FARM.

- b. The proposed amendment will require any PV SOLAR ARRAY one megawatt or greater to be authorized by a County Board Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- (4) **Policy 4.3.4 states, "The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense."**

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

- a. Section 6.1.5 G. requires a Roadway Upgrade and Maintenance agreement with the relevant highway authority.
 - b. The proposed amendment will require any PV SOLAR ARRAY with an output of one megawatt or greater to be authorized by a County Board Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- (5) **Policy 4.3.5 states, "On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it."**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. As reviewed for Policy 4.2.1 in this Finding of Fact:
 - (a) A PV SOLAR ARRAY **IS** a service better provided and therefore **IS** appropriate in a rural area.
 - (b) A PV SOLAR ARRAY with an output of one megawatt or greater requires a large land area that generally makes it uneconomic for it to be located inside a municipality.
- b. Regarding location of a PV SOLAR FARM on a less productive site, the following is reviewed under Policy 4.3.2 in this Finding of Fact:
 - (a) It is unlikely that a PV SOLAR ARRAY with an output of one megawatt or greater in Champaign County will be located on less than best prime farmland.

- (b) Section 6.1.5 C.(2) exempts a PV SOLAR FARM from the maximum lot area requirement on best prime farmland. This exemption means that the presence of best prime farmland should not be the cause for denial of any proposed PV SOLAR ARRAY.
- c. The proposed amendment will require any PV SOLAR ARRAY one megawatt or greater to be authorized by a County Board Special Use Permit, which will allow for site specific review.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment is **NOT RELEVANT** to Goal 5 in general.

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

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

Goal 6 has 4 objectives and 7 policies. Objectives 6.2, 6.3, and 6.4 are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 6 for the following reasons:

- A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**” Objective 6.1 has four subsidiary policies; policy 6.1.3 is the only relevant policy, and it states the following:
 - (1) Policy 6.1.3 states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**” The proposed amendment will **HELP ACHIEVE** Objective 6.1.3 as follows:
 - a. PV SOLAR ARRAYS are made with non-reflective glass so there should be minimum glare.
 - b. Section 6.1.2 A. of the Zoning Ordinance requires that any SPECIAL USE Permit with exterior lighting shall be required to minimize glare onto adjacent properties by the use of full-cutoff type lighting fixtures with maximum lamp wattages.
 - c. For proposed PV SOLAR ARRAYS with an output of one megawatt or greater, Section 6.1.5 N. of the Zoning Ordinance requires the following:
 - (a) The design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
 - (b) After construction of the PV SOLAR FARM, the Zoning Administrator shall take appropriate enforcement action as

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necessary to investigate complaints of glare in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to the following:

- i. The Zoning Administrator shall make the Environment and Land Use Committee aware of complaints about glare that have been received by the Complaint Hotline, and
- ii. If the Environment and Land Use Committee determines that the glare is excessive, the Environment and Land Use Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive glare such as the installation of additional screening.

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

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

Goal 7 has 2 objectives and 7 policies. Objective 7.2 and its policies do not appear to be relevant to the proposed text amendment. The proposed amendment will **HELP ACHIEVE** Goal 7 for the following reasons:

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

The proposed amendment will **HELP ACHIEVE** Objective 7.1 for the following reasons:

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

The proposed amendment will **HELP ACHIEVE** Policy 7.1.1 for the following reasons:

- a. For proposed PV SOLAR ARRAYS with an output of one megawatt or greater, Section 6.1.5 G.(2) requires the applicant to provide a Transportation Impact Analysis prepared by an independent engineer.
- b. DATA CENTERS do not have employees and therefore little traffic will be generated by the proposed use.

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

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

Goal 8 has 9 objectives and 36 policies. Objectives 8.1, 8.3, 8.4, 8.5, 8.6, 8.7, 8.9 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will **HELP ACHIEVE** Goal 8 for the following reasons:

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

The proposed amendment will **HELP ACHIEVE** Objective 8.2 for the following reasons:

- (1) PV SOLAR ARRAYS do not require the permanent conversion of farmland; solar arrays can be removed at the owner's choosing and the land can be put back into agricultural production.
- (2) For proposed PV SOLAR ARRAYS with an output of one megawatt or greater, Section 6.1.5 Q. requires the applicant to submit a Decommissioning Plan, which includes protections for soil resources and ensures that the land will be returned to its original condition.

14. LRMP Goal 9 is entitled "Energy Conservation" and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

15. LRMP Goal 10 is entitled "Cultural Amenities" and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 is **NOT RELEVANT** to the proposed amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is consistent with this purpose.

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- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

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- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

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The proposed amendment is not directly related to this purpose.

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
 - A. A classification which allows DATA CENTERS and PV SOLAR ARRAYS to be developed while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
 - B. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 27, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 3, 4, 6, 7, and 8.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2, and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goals 5 and 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

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DOCUMENTS OF RECORD

1. Legal advertisement for Case 030-AT-21
2. Preliminary Memorandum for Case 030-AT-21, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated November 29, 2021
 - Exhibit A: Proposed Amendment dated November 29, 2021
 - C Land Resource Management Plan (LRMP) Goals & Objectives
(available on ZBA meetings website)
 - D Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 030-AT-21 dated January 27, 2021, with attachment:
 - Exhibit A: Proposed Amendment dated January 27, 2022

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FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 030-AT-21** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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PROPOSED AMENDMENT DATED JANUARY 27, 2022

1. Add the following to Section 3. Definitions:

DATA CENTER: A centralized location where computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data.

PV SOLAR ARRAY: a collection of multiple photovoltaic *solar panels* that convert sunlight to electricity as a system primarily to be used onsite.

2. Add new paragraph 4.2.1 C.6. as follows:

4.2.1 CONSTRUCTION and USE

C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

6. A PV SOLAR ARRAY may be authorized as a County Board SPECIAL USE Permit in the AG-2 Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.”

3. Revise Section 5.2 as follows:

SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- DATA CENTER would be a new land use allowed by Special Use Permit in the AG-2 Agriculture, B-4 General Business and I-1 Light Industry Zoning Districts, as shown in the table below.
- PV SOLAR ARRAY would be allowed by a COUNTY BOARD Special Use Permit in the AG-2 Agriculture and all Business and Industrial Zoning Districts with this amendment, as shown in the table below.

Principal USES	Zoning DISTRICTS															
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
DATA CENTER			S									S		S		
PV SOLAR ARRAY ³¹			B						B	B	B	B	B	B	B	

S

= Permitted by Special Use Permit

B

= Permitted by COUNTY BOARD Special Use Permit

4. Add new Footnote 31 under Section 5.2 as follows:

31. A PV SOLAR ARRAY with one megawatt or more is permitted by a COUNTY BOARD Special Use Permit, subject to the requirements of Sections 6.1.1 and 6.1.5 of the Zoning Ordinance and shall also be a second PRINCIPAL USE requiring a Special Use Permit per Section 4.2.1 F. A PV SOLAR ARRAY with less than one megawatt is permitted under the terms of Section 7.9 ACCESSORY PV SOLAR ARRAY.

5. Add to Section 6.1.3 as follows:

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						MAJOR	COLLECTOR	MINOR			
	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
DATA CENTER	1. The location of the data center must be approved in writing by the relevant Fire Protection District. 2. The petitioner shall provide the P&Z Department with a written explanation of security features for the DATA CENTER. 3. DATA CENTERS constructed with PV SOLAR ARRAYS shall be located adjacent to the solar inverter and as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice.										

6. Add new Section 7.9 ACCESSORY PV SOLAR ARRAY as follows:

- A. A PV SOLAR ARRAY with an output of less than one megawatt shall be permitted as an ACCESSORY STRUCTURE subject to the following standards:
 - 1. An accessory ground-mounted PV SOLAR ARRAY with less than one megawatt on contiguous lots under common ownership shall require compliance with minimum zoning requirements in Section 7.2 YARDS for DETACHED ACCESSORY BUILDINGS and STRUCTURES.
 - 2. For an accessory ground-mounted PV SOLAR ARRAY greater than 1,000 square feet in area, screening requirements shall apply per Sections 7.6.2 and 7.6.3.
 - 3. No permit is required for roof-mounted PV SOLAR ARRAYS.
 - 4. Loading berths and parking spaces are not required for accessory ground-mounted PV SOLAR ARRAYS.