

**CASES 109-AM-23, 110-S-23, 111-S-23 & 112-V-23**  
SUPPLEMENTAL MEMORANDUM #3  
March 20, 2024

**Petitioner:** Anthony Donato, d.b.a. Donato Solar – Bondville LLC

**Request:**

CASE 109-AM-23 (APPROVED BY COUNTY BOARD 2/22/24)

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar array as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23.

CASE 110-S-23 (DENIED 11/30/23)

Authorize a data center as a Special Use Permit, subject to the proposed rezoning to AG-2 Agriculture in Case 109-AM-23.

CASE 111-S-23

Authorize a photovoltaic solar array with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):

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

Case 112-V-23 (APPROVED 11/30/23)

Authorize the following variance for the data center proposed as a Special Use Permit in related case 110-S-23:

Part A: Authorize a variance for 2 parking spaces in lieu of the minimum required 7 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

**Location:** A 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.

**Site Area:** approximately 17 acres of a 77.5-acre tract

**Time Schedule for Development:** As soon as possible

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

## STATUS

Case 111-S-23 was continued from the November 30, 2023 ZBA meeting. At the last meeting, the Board decided to wait for the County Board's final determination for map amendment Case 109-AM-23 before making their recommendation on the County Board Special Use Permit Case 111-S-23 for the proposed PV solar array. Also at that meeting, the Board denied the Special Use Permit for a data center in Case 110-S-23 but approved the variance for parking and loading berths for the data center in Case 112-V-23.

At its February 22, 2024 meeting, the County Board approved the map amendment by a vote of 20 to 2 in Case 109-AM-23. The only case remaining is 111-S-23 for the PV solar array, which needs a recommendation to move onto ELUC and the County Board.

At the November 30, 2023 ZBA meeting, the Board and petitioner approved the special conditions for Case 111-S-23. P&Z Staff request a couple of revisions as noted later in this memo. Also at that meeting, the Board completed Findings of Fact 1 through 4.b., but there was confusion and contradiction in the responses due to not having a final determination on the zoning district by the County Board. The Board can restart the Findings of Fact discussion with no need for a motion to undo the previous discussion.

On March 11, 2024, the petitioner submitted a new Special Use Permit application for the data center that was denied in Case 110-S-23. Case 133-S-24 is on the March 28, 2024 ZBA docket. There are no changes proposed to the original data center concept and location. The Zoning Administrator allowed the petitioner to re-submit because there was sufficient change from the previous location because the subject property is now properly zoned in the AG-2 Agriculture Zoning District.

Attachment C is a revised Summary of Evidence, Finding of Fact and Final Determination for Case 111-S-23.

## **SPECIAL CONDITIONS AS APPROVED BY ZBA ON 11/30/23 – REVISIONS REQUESTED**

The following special conditions are proposed for Special Use Permit Case 111-S-23:

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

- **Site Plan sheets received November 30, 2023.**

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

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

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

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

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

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

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

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

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

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

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

- E. **Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:**

1. **The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.**
2. **The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.**
3. **Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.**

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

**The Special Use Permit complies with Ordinance requirements regarding road use agreements.**

- 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 "A3" by Moody's or a rating of "A-" by Kroll Bond**

**Rating Agency 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 per the 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.**

- 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.**
  4. **A fire hydrant shall be installed along the gravel drive within 200 feet of the data center in compliance with the relevant standards of the relevant jurisdiction and written acceptance by the Bondville Fire Department shall be submitted to the Zoning Administrator and a Knox box shall be installed at the door to the Data Center. (Note: recommend moving this to Case 133-S-24 for the Data Center Special Use Permit).**

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

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

- H. **The Applicant or Owner or Operator of the PV SOLAR ARRAY shall comply with the following specific requirements that apply even after the PV SOLAR ARRAY goes into commercial operation:**
1. **Maintain the pollinator plantings and required visual screening 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 ARRAY.**

- I. **Within the boundary of the solar farm, the petitioner shall:**
1. **Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction.**
  2. **Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement.**
  3. **All mutual tile drains that serve upland areas shall be protected from construction disturbance and a 40-foot wide no-construction area shall be centered on all mutual drain tiles. (Proposed new text)**
  4. **Future access shall be guaranteed for maintenance of all mutual drain tiles. (Proposed new text)**

5. **No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**

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

**To ensure conformance with all relevant requirements for replacement of underground drainage tile within the area of the special use permit.**

- J. **The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.**

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

**To ensure maintenance of underground drainage tile within the area of the special use permit for the lifetime of the special use permit.**

- K. **Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the PV SOLAR ARRAY on the north, east, and south sides, the owner of the PV SOLAR ARRAY will establish vegetative screening per Section 6.1.5 M.(2) of the Zoning Ordinance.**

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

**To ensure that a screen is planted in the event that anticipated future residential development does occur on adjacent land.**

## ATTACHMENTS

- A Legal advertisement  
B Revised Site Plan received November 30, 2023 – 2 sheets  
C Case 111-S-23 Revised Summary of Evidence, Finding of Fact, and Final Determination dated March 28, 2024

**LEGAL PUBLICATION: WEDNESDAY, AUGUST 30, 2023**  
**CASES: 109-AM-23, 110-S-23, 111-S-23 & 112-V-23**

**NOTICE OF A PUBLIC HEARING IN REGARD TO A REZONING, TWO SPECIAL USE PERMITS WITH WAIVERS AND A VARIANCE ON PROPERTY IN UNINCORPORATED CHAMPAIGN COUNTY UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE**

Anthony Donato, d.b.a. Donato Solar – Bondville LLC, 707 Osterman Ave, Deerfield, IL 60015, has filed petitions for a Zoning Map Amendment, two Special Use Permits with waivers, and a Variance under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 E. Washington Street, Urbana, IL.

A public hearing will be held **Thursday, September 14, 2023, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

CASE 109-AM-23

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a data center as a Special Use in related Zoning Case 110-S-23 and a PV solar array as a second principal use as a proposed County Board Special Use Permit in related Case 111-S-23.

CASE 110-S-23

Authorize a data center as a Special Use Permit, subject to the proposed rezoning to AG-2 Agriculture in Case 109-AM-23, and subject to the following waiver:

Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires a noise analysis to be performed for a Data Center.

CASE 111-S-23

Authorize a photovoltaic solar array with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):

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

Part B: A waiver for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 F.(9)a.(b).iv.

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

Part D: A waiver for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 I.(3).

Case 112-V-23

Authorize the following variance for the data center proposed as a Special Use Permit in related case 110-S-23:

Part A: Authorize a variance for 2 parking spaces in lieu of the minimum required 16 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.

Part B: Authorize a variance for no loading berth in lieu of the minimum required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.

SUBJECT PROPERTY:

A 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.

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

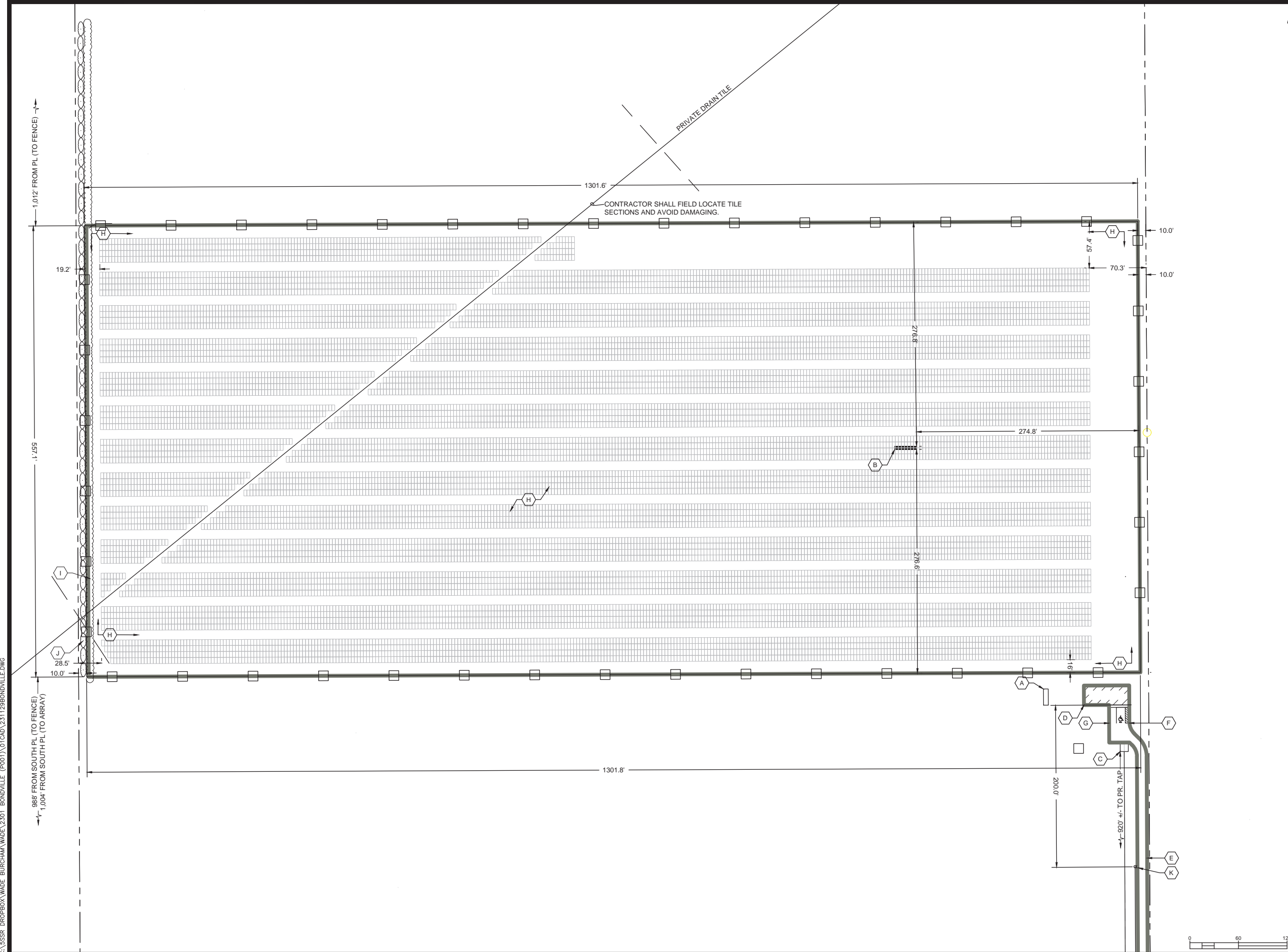
Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

**TO BE PUBLISHED: WEDNESDAY, AUGUST 30, 2023 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.





**SYMBOLS LEGEND:**

EX. EXISTING  
 PR. PROPOSED

--- EX. PROPERTY LINE

[Grid Pattern] PROPOSED SOLAR PANEL ARRAY

[Wavy Line] PROPOSED SHRUBS

[Dashed Line] PROPOSED TREES

[Square] PROPOSED FENCE

SOIL SCHEDULE

SYMB.	DESC.	B/D
67A	Harpster silty clay loam, 0 to 2 percent slopes	B/D
152A	Drummer silty clay loam, 0 to 2 percent slopes	B/D
153A	Pella silty clay loam, 0 to 2 percent slopes	B/D
198A	Elburn silt loam, 0 to 2 percent slopes	B/D

**GENERAL NOTES:**

- (A) PR. SWITCH GEAR
- (B) PR. INVERTERS
- (C) PR. AMEREN TRANSFORMER
- (D) PR. DATA CENTER (56' x 24')
- (E) PR. GRAVEL DRIVE (MAINTAIN EXISTING DRAINAGE PATTERS EXCEPT WHERE NOTED)
- (F) PR. ADA (VAN) PARKING SPACE, RAMP, SURFACING TO DOORWAY, PARKING BLOCK, AND SIGN
- (G) PR. STANDARD PARKING SPACE AND BLOCK

PERMANENT SEEDING  
 OUTSIDE OF FENCE. DISTURBED AREAS WITH HIGH TRAFFIC USE MANICURED TURF GRASS IN ACCORDANCE WITH AND OTHER LOW TRAFFIC AREAS USE NATURAL RESOURCES CONSERVATION SERVICE ILLINOIS URBAN MANUAL PRACTICE STANDARD #925 SODDING WITHIN FENCE AND OTHER LOW TRAFFIC AREAS USE:

- (H) SOLAR POLLINATOR 3' MIX - ERNMX-622:  
 91.00% BOUTELOUA GRACILIS, BAD RIVER (BLUE GRAMA, BAD RIVER)  
 4.00% ASCLEPIAS TUBEROSA (BUTTERFLY MILKWEEED)  
 2.00% CHAMAECRISTA FASCICULATA, PA ECOTYPE (PARTRIDGE PEA, PA ECOTYPE)  
 2.00% CHAMAECRISTA NICTITANS, NC ECOTYPE (SENSITIVE PEA, NC ECOTYPE)  
 0.50% OENOTHERA FRUTICOSA VAR. (FRUITICOSA SUNDROPS)  
 0.50% PENSTEMON HIRSUTUS (HAIRY BEARDTONGUE)

SEEDING RATE: SEED AT 8 LBS/ACRE WITH 30 LBS/ACRE OF A COVER CROP. FOR A COVER CROP USE EITHER GRAIN OATS (1 JAN TO 31 JUL), BROWN TOP MILLET (10 LBS/ACRE; 1 MAY TO 31 AUG) OR GRAIN RYE (1 AUG TO 31 DEC).

- (I) JUNIPERUS VIRGINIANA / EASTERN RED CEDAR  
 5 GAL POT ON 9' CENTERS, 11' FROM PL
- (J) SHRUB PLANTINGS ALTERNATE GROUPS BETWEEN SWITCH GRASS AND LITTLE BLUE STEM, 3' FROM PL  
 PANICUM VIRGATUM / SWITCH GRASS  
 2 GAL POT 3 PER GROUP  
 SCHIZACHYRIUM SCOPARIUM / LITTLE BLUESTEM  
 2 GAL POT 3 PER GROUP
- (K) PR. FIRE HYDRANT ASSEMBLY AND MAIN TO SERVICE INSTALLED IN ACCORDANCE WITH AUTHORITIES HAVING JURISDICTION

WADE BURCHAM, P.E.  
 130 COUNTY ROAD 164  
 JEMISON, AL 35085  
 (912) 656-6150



Rev.	Description	Date
1	ISSUED FOR COMMENT	8/15/23
2	ISSUED FOR COMMENT	8/22/23
3	ISSUED FOR COMMENT	8/24/23
4	ISSUED FOR COMMENT	9/30/23
5	ISSUED FOR COMMENT	10/31/23
6	ISSUED FOR COMMENT	11/27/23
7	ISSUED FOR COMMENT	11/29/23

Drawn by: WADE  
 Check by: TG  
 Project #: 2301BONDVILLE

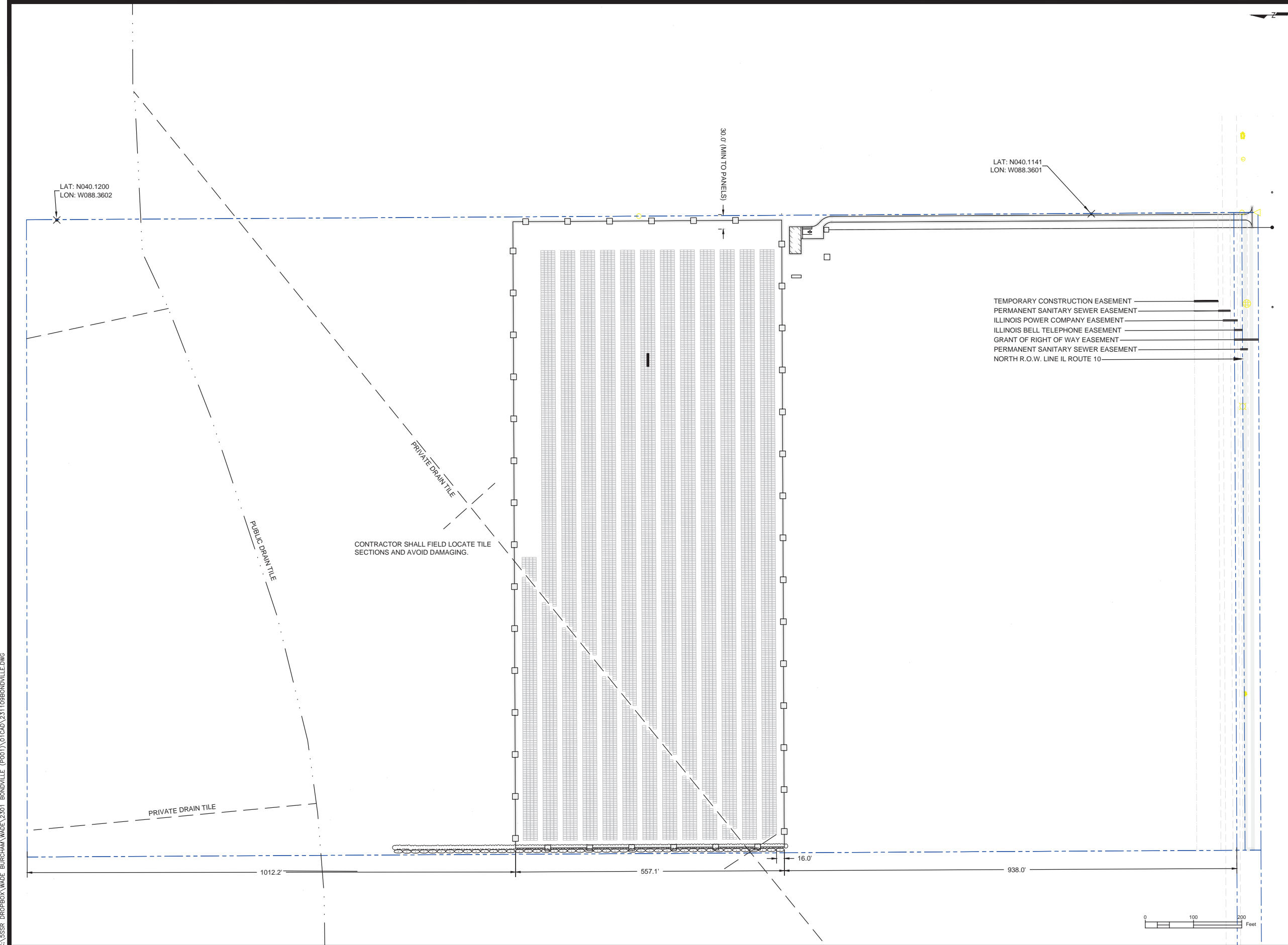
**BONDVILLE SOLAR FARM**

BONDVILLE, IL

**RECEIVED**  
 NOV 30, 2023  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING

SITE PLAN

DRAWING NO.  
**1**



**SYMBOLS LEGEND:**

- EX. EXISTING
- PR. PROPOSED
- EX. PROPERTY LINE
- [Grid Pattern] PROPOSED SOLAR PANEL ARRAY
- [Dashed Line with Squares] PROPOSED FENCE

GENERAL NOTES:

WADE BURCHAM, P.E.  
 130 COUNTY ROAD 164  
 JEMISON, AL 35085  
 (912)656-6150



Rev.	Description	Date	Appr.
F	REVISED PANELS FOR TILES	11/09/23	WB
E	ADDED DRAIN TILES AND EASEMENT CALLS	11/09/23	WB
D	SURVEY UPDATE	10/31/23	WB
C	ADDED SEEDING	8/22/23	WB
B	ADDED DIMENSIONS	8/21/23	WB
A	ISSUED FOR COMMENT	8/15/23	WB

Project #: 2301BONDVILLE  
 Drawn by: WADE  
 Check by: TG

**BONDVILLE SOLAR FARM**  
 BONDVILLE, IL

OVERALL SITE PLAN

DRAWING NO.  
**2**

**RECEIVED**  
 NOV 30, 2023  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING

**DRAFT REVISED 03/28/24**

**111-S-23**

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

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

Date: *{~~September 14~~~~November 30, 2023~~March 28, 2024}*

Petitioner: **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**

Request: **Authorize a PV SOLAR ARRAY with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):**

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

~~**Part B: A waiver for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 F.(9)a.(b).iv.**~~

~~**Part C: A waiver for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 I.(3).**~~

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## SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 14, 2023, November 30, 2023, and March 28, 2024**, the Zoning Board of Appeals of Champaign County finds that:

*(Note: asterisk indicates items of evidence that are identical to evidence in Case 109-AM-23)*

- \*1. Petitioner Anthony Donato, via IAG Investments LLC, is negotiating the purchase of the subject property. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project. Mr. Donato is the sole owner and shareholder in IAG Investments LLC and Donato Solar – Bondville LLC.
- \*2. The subject property is a 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township.
  - A. The proposed PV SOLAR ARRAY fenced area would cover about 17 acres.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
    - \* (1) The Bondville Comprehensive Plan adopted in May 2000 shows the subject property in the “Residential” future land use.
      - \* (2) The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.
  - \*B. The subject property is located within Scott Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a Map Amendment.

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

- 4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
  - \*A. The 77.5-acre subject property is zoned ~~AG-1~~AG-2 Agriculture and is in agricultural production.
    - (1) The County Board approved the map amendment from AG-1 Agriculture to AG-2 Agriculture at its February 22, 2024 meeting.
  - \*B. Land to the north, west, and east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - \*C. Land to the south of the subject property is inside the Village of Bondville and is a mix of commercial, industrial, and residential uses.

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

- 5. Regarding the Site Plan for the proposed Special Use received August 30, 2023:

**DRAFT REVISED 03/28/24**

**Case 111-S-23**  
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- \*A. Proposed features include:
  - \* (1) The solar farm fenced area would cover approximately 17 acres.
  - \* (2) The 24 feet by 56 feet (1,344 square feet) data center building would be located in the east-central part of the subject property.
  - \* (3) Inverters would be located approximately 275 feet from the north, south and east property lines.
  - \* (4) The access road would follow the east property line from IL Route 10 up to the proposed data center.
  - \* (5) A line of vegetative screening along the central part of the west property line.
- \*B. A revised Site Plan received November 13, 2023 indicated the following changes:
  - \* (1) A line of vegetative screening along the west side of the solar array because there is a residence within 1,000 feet of the solar array to the northwest.
  - \* (2) A dimensional measurement of 938 feet between the PV SOLAR ARRAY fenced area to a point approximately 18 feet north of the right-of-way line of IL Route 10. This demonstrates that the PV SOLAR ARRAY fence is 986 feet from the street centerline of IL Route 10 and over 1,000 feet from the nearest dwelling to the south.
  - \* (3) A 10-inch private drainage tile traversing the PV SOLAR ARRAY fenced area.
  - \* (4) Permanent easements for sanitary sewer, electricity, and telephone located north of the IL Route 10 right-of-way.
- C. On March 11, 2024, the petitioner submitted a new Special Use Permit application (Case 133-S-24) for the data center that was denied in Case 110-S-23. There are no changes proposed to the original data center concept and location. The Zoning Administrator allowed the petitioner to re-submit because there was sufficient change from the previous location because the subject property is now properly zoned in the AG-2 Agriculture Zoning District.
- \*D. There are no previous zoning permits for the subject property.
- \*E. There are no previous zoning cases for the subject property.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

- 6. Regarding authorization for a “PV SOLAR FARM” in the AG-2 Agriculture Zoning District in the *Zoning Ordinance*:
  - A. The County Board amended the Zoning Ordinance by adopting PV SOLAR FARM requirements when it adopted Ordinance No. 2018-4 on August 23, 2018.



**DRAFT REVISED 03/28/24**

- B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
  - (2) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
  - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
    - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
    - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
    - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
  - (4) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
  - (5) “DATA CENTER” is 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.
  - (6) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY

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review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.

- (7) “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING” is a DWELLING on land that is leased to a WIND FARM or a PV SOLAR FARM.
- (8) “DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING” is a DWELLING on land that is not leased to a WIND FARM or a PV SOLAR FARM.
- (9) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (10) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (11) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (12) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (13) “LOT LINES” are the lines bounding a LOT.
- (14) “NON-ADAPTABLE STRUCTURE” is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE).
- (15) “NOXIOUS WEEDS” are any of several plants designated pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.) and that are identified in 8 Illinois Administrative Code 220.
- (16) “PHOTOVOLTAIC (PV)” is a type of solar energy system that produces electricity by the use of photovoltaic cells that generate electricity when struck by light.
- (17) “PV SOLAR ARRAY” is a collection of multiple photovoltaic solar panels that convert sunlight to electricity as a system primarily to be used onsite.
- (18) “PV SOLAR FARM” is a unified development intended to convert sunlight into electricity by photovoltaic (PV) devices for the primary purpose of wholesale sales of generated electricity. A PV SOLAR FARM is under a common ownership and

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operating control even though parts of the PV SOLAR FARM may be located on land leased from different owners. A PV SOLAR FARM includes all necessary components including access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, a common switching station, maintenance and management facilities, and water wells. PV SOLAR FARM should be understood to include COMMUNITY PV SOLAR FARM unless specified otherwise in the relevant section or paragraph.

- (19) “PRIVATE WAIVER” is a written statement asserting that a landowner has agreed to waive a specific WIND FARM or PV SOLAR FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.
- (20) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (21) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (22) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (23) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (24) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (25) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (26) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (27) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:



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- a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.
- (28) **WELL SUITED OVERALL:** A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be **WELL SUITED OVERALL** if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
  - b. The site is reasonably well-suited in all respects and has no major defects.
- C. Section 4.2.1 C.6. states: 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.**”
- D. Section 5.2 only authorizes a “**PV SOLAR ARRAY**” as a County Board Special Use Permit in the **AG-2, Business, and Industrial Zoning Districts.**
- (1) Section 5.2 Footnote 29 states: “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.**”
- E. Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (1) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - (2) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.

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- (3) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - (4) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - (5) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- F. For a PV SOLAR ARRAY, Section 6.1.3 Schedule of Standard Conditions for Specific Types of Special Uses states: "1. The following requirements are in lieu of the requirements of Section 6.1.5 B.(3):
- A. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
  - B. Documentation must be provided that the utility has accepted the application for the PV SOLAR ARRAY prior to issuance of the Zoning Compliance Certificate."
- G. Section 6.1.5 contains the standard conditions for any PV SOLAR FARM which are as follows (capitalized words are defined in the Ordinance):
- (1) Requirements for what must be included in the area of the PV SOLAR FARM are in 6.1.5 B.(1).
  - (2) Requirements for where a PV SOLAR FARM cannot be located are in 6.1.5 B.(2).
  - (3) Paragraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, and maximum LOT COVERAGE requirements from applying to a PV SOLAR FARM.
  - (4) Paragraph 6.1.5 D. contains minimum separations for PV SOLAR FARMS from adjacent USES and STRUCTURES.
  - (5) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS.
  - (6) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
  - (7) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
  - (8) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
  - (9) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
  - (10) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation.
  - (11) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review.

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- (12) Paragraph 6.1.5 L. contains standard conditions for acceptable wildlife impacts from PV SOLAR FARM construction and ongoing operations.
  - (13) Paragraph 6.1.5 M. contains standard conditions for screening and fencing of PV SOLAR FARMS.
  - (14) Paragraph 6.1.5 N. contains standard conditions to minimize glare from PV SOLAR FARMS.
  - (15) Paragraph 6.1.5 O. contains standard conditions for liability insurance.
  - (16) Paragraph 6.1.5 P. contains other standard conditions for operation of PV SOLAR FARMS.
  - (17) Paragraph 6.1.5 Q. contains standard conditions for a decommissioning plan and site reclamation agreement for PV SOLAR FARMS and modifies the basic site reclamation requirements in paragraph 6.1.1 A.
  - (18) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
  - (19) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
  - (20) Paragraph 6.1.5 T. contains the standard condition for expiration of the PV SOLAR FARM County Board Special Use Permit.
  - (21) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
- H. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.

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- c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- I. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
    - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and
    - b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
    - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
    - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
    - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
  - (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“This land has been purchased and an Ameren Interconnect Agreement is in place. Public convenience is the distribution of solar generated power.”**
- (1) The petitioner is negotiating the purchase of the subject property contingent upon approval of these zoning cases. Owner Andrew Hatch has provided a letter supporting the application for the Map Amendment, Special Use Permits, and Variance cases for this project.
- B. The State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State’s energy coming from renewable sources by the year 2025.
- C. The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.
- D. The subject property is adjacent to power lines needed for the PV SOLAR ARRAY.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The project will be designed to be as nonobtrusive as possible. Having a large setback from the Rt 10 corridor to have more room for potential development.”**
- B. Regarding surface drainage:
- (1) The subject property generally drains to the northeast.
- (2) No information was provided regarding possible drainage tiles on the subject property. On November 9, 2023, the petitioner submitted a map from 1985 of drainage tiles in the Fountain Head Drainage District. The map indicates there is a 10-inch private tile traversing the PV SOLAR ARRAY fenced area. All other identified tiles on the subject property are outside of the PV SOLAR ARRAY development area. The revised Site Plan received November 9, 2023 has a note stating “Contractor shall field locate tile sections and avoid damaging.”

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- (3) The decommissioning plan received with the application on August 25, 2023, states: “Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for property storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment.”
- C. Regarding traffic in the subject property area:
- \* (1) The subject property is located on IL10/CR 1600N/Chestnut St. The pavement surface near the subject property is paved and marked and is about 22 feet wide with four-foot-wide shoulders.
  - \* (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. IL10/CR 1600N/Chestnut St had an ADT of 3,350.
  - \* (3) The Scott Township Highway Commissioner and IDOT were notified of this case, and no comments have been received.
- D. Regarding fire protection:
- (1) The subject property is located approximately 1,475 feet from the Bondville Fire Station. No comments have been received from the Bondville Fire Chief regarding the proposed PV SOLAR ARRAY.
- E. Most of the subject property is located within a mapped floodplain, per FEMA panel 17019C0425D.
- F. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
- G. Regarding sensitive environmental areas, the EcoCAT Report received on August 22, 2023 indicated “no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.”
- H. Regarding outdoor lighting on the subject property, the application received July 25, 2023, does not indicate outdoor lighting. A special condition has been added to ensure compliance for any future outdoor lighting installation.
- I. Regarding wastewater treatment and disposal on the subject property, there is no wastewater treatment and disposal required or planned for the proposed project.
- J. Regarding parking, there is no required parking for the proposed PV SOLAR ARRAY.

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K. Regarding public input received during these cases:

- (1) In an email received September 13, 2023, Beth Chepan stated that the subject property area was prime development ground that would generate tax revenue for Bondville. She said that no income would come to the Village of Bondville with the proposed solar farm. She also expressed concerns about noise and landscaping maintenance. She asked the Zoning Department to disregard Bondville as an option for the solar farm.
- (2) In an email received September 13, 2023, Sean Arie stated he is a property owner and volunteer firefighter for Bondville, and is against the proposed solar farm. He believes that Donato Solar does not intend to be a good neighbor and the development would dramatically impact the growth of the Village. He also expressed concerns about economic impacts, detriment to current residents, and limiting future residential or commercial growth.
- (3) In an email received September 14, 2023, Timothy and Julie Arie stated that as residents of the Village of Bondville, they are opposed to the proposed solar farm. They said there appears to be no benefit to the Village of Bondville. They expressed concerns about noise, upkeep, and property values.
- (4) At the September 14, 2023 ZBA meeting, the following comments were received:
  - a. John Garth, President of the Village of Bondville, stated it appears that the proposed project will not help the Village of Bondville. He said his back yard will basically be facing the solar farm and data center. He said on behalf of the Village of Bondville Trustees and residents, he expressed concerns about how the presence of the data center and solar field could present a threat to the health, peace, and safety of the residents of Bondville if desirable plans for landscape decommissioning and noise analysis aren't implemented. He added that if the project is not implemented with certain parameters, it stands to interrupt their Village's Comprehensive Plan for growth that includes commercial and residential development for that entire area. He said their comprehensive plan calls for commercial along IL Route 10 with nothing but residential behind that all the way to Interstate 72. He said the village has spent millions of dollars to put in a new sewer system, which would allow them to expand commercially and residentially along IL Route 10. He said the residents of Bondville still have 2+/- million dollars of this project to yet pay for. He said taking out all the ground and putting it into a solar field will take away the ability for them to have any residential development, which will help pay down this debt. He said there are residents directly across from the proposed location who would be impacted by what final plans are implemented regarding decommissioning, landscape, weed control, roadway upgrades, noise, and as well as any future development opportunities. He said he was concerned about fire suppression. He said they are opposed to the Special Use Permits and changing from the AG-1 to AG-2 Zoning District. He said that they are concerned about growth of their town and property values.

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- b. Ron Hursey is a resident of Bondville. He stated he has concerns about the data center building and the noise that will be created.
  - c. Luke Saathoff is a resident of Bondville. He stated he has spent years on the planning commission when the comprehensive plan was put together, then spent 12 to 14 years on the village board when they did the sanitary sewer project. He said the area along IL Route 10 now has sewer, water, gas and drainage, and that is the primary area for the Village to develop. He said this is a for profit business that wants to put it here and rezone farmland and take it from what Bondville's vision was and say they have a better vision for it. He said maybe it is time for the petitioner to start working with the Village of Bondville.
  - d. Brent Cork is a resident of Bondville said he has concerns that any previous investment to promote growth of the Village would be thwarted by the proposed solar farm. He said he feels that the petitioner has not answered questions about the project truthfully and that doesn't sit well.
  - e. Francis Barker, who lives outside Bondville, said he was concerned about all the drainage tiles, pipelines, sewer lines, etc. going through the subject property. He said easements for that infrastructure need to be looked at and discussed.
- (5) At the November 30, 2023 ZBA meeting, the following comments were received:
- a. Brent Cork said the proposed PV solar array is not providing power to the grid; it will just power the use on the property. He said the Village of Bondville tried to work with the petitioner, but the petitioner stopped responding.
  - b. John Garth, Village of Bondville President, said the Village is opposed to this project, as noted by the Resolution of Protest they filed. He said the petitioner did not come through the Village for approval to subdivide the land when they purchased part of the subject property, and the Village had that subdivision nullified at the County Assessor's office. He said the petitioner has been unwilling to work with the Village of Bondville. He said the Village adopted a whole new set of solar rules just for the petitioner to work for them.

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



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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conforms to all applicable regulations and standards and preserves the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, **“By installing a solar array with native pollinator habitat put throughout the array it will help retain the essential character of the land for years to come.”**
- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
- (1) Section 5.2 authorizes a PV SOLAR FARM only by a County Board Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts. It is not permitted by right in any district.
  - (2) There is no required parking.
  - (3) Requirements for what must be included in the area of the PV SOLAR ARRAY Special Use Permit are in subparagraph 6.1.5 B.(1).
    - a. The revised Site Plan received ~~August 30~~November 13, 2023 appears to conform to this requirement.
  - (4) Requirements which identify certain areas where a PV SOLAR ARRAY Special Use Permit shall not be located can be found in Subparagraph 6.1.5 B.(2).
    - a. Item 6.1.5 B.(2)a. requires a PV SOLAR ARRAY to be more than one and one half miles from an incorporated municipality with a zoning ordinance, unless the following is provided:
      - (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
        - i. The 77.5-acre subject property is located within one-half mile of the Village of Bondville and is within Bondville’s contiguous urban growth area.
        - ii. ~~No comments have been received from the Village of Bondville as of September 6, 2023. The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.~~

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- (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
  - i. Village President John Garth acknowledged receipt of the SPECIAL USE permit application on August 25, 2023.
  
- (c) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board.
  - i. ~~The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY. No resolution from the Village of Bondville has been received as of September 6, 2023.~~
  - ii. Notice of the September 14, 2023, ZBA public hearing was sent by P&Z Staff to the Village of Bondville on August 21, 2023.
  
- (5) Requirements regarding interconnection to the power grid can be found in Subparagraph 6.1.5 B.(3), but for a PV SOLAR ARRAY, the following requirements are in lieu of the requirements of Section 6.1.5B.(3):
  - a. The utility interconnection application must be applied for with the relevant utility and documentation provided at the time of Special Use Permit application.
    - (a) A signed interconnection agreement was received on August 25, 2023.
  
  - b. Documentation must be provided that the utility has accepted the application for the PV SOLAR ARRAY prior to issuance of the Zoning Compliance Certificate.
  
- (6) Requirements regarding Right to Farm can be found in Subparagraph 6.1.5 B.(4): “The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.”
  - a. A special condition was added to rezoning Case 109-AM-23 to ensure compliance.

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- (7) Requirements regarding minimum lot standards can be found in Subparagraph 6.1.5 C.:

Subparagraph 6.1.5 C. eliminates LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, maximum LOT COVERAGE, or maximum LOT AREA requirements on BEST PRIME FARMLAND requirements for a PV SOLAR FARM or for LOTS for PV SOLAR FARM substations and/ or PV SOLAR FARM maintenance and management facilities.

- (8) Requirements regarding minimum separations for PV SOLAR ARRAYS from other STRUCTURES, BUILDINGS, and USES can be found in Subparagraph 6.1.5 D.

- a. The revised Site Plan received ~~August 30~~November 30, 2023 shows the separation between the solar farm fence and adjacent buildings and uses to the south.
- b. The proposed PV SOLAR FARM complies with all minimum separations in paragraph 6.1.5 D. in the following manner:
- (a) Subparagraph 6.1.5 D.(1) requires PV SOLAR FARM fencing to be set back from the street centerline a minimum of 40 feet from a MINOR STREET and a minimum of 55 feet from a COLLECTOR STREET and a minimum of 60 feet from a MAJOR STREET unless a greater separation is required for screening pursuant to Section 6.1.5 M.(2)a., but in no case shall the perimeter fencing be less than 10 feet from the RIGHT OF WAY of any STREET.
- i. The revised Site Plan received ~~August 30~~November 30, 2023 indicates the fenced area will be ~~1,000~~986 feet from the street centerline of IL Route 10.
- (b) Subparagraph 6.1.5 D.(2) states that for properties participating in the solar farm, there is no required separation from any existing DWELLING or existing PRINCIPAL BUILDING except as required to ensure that a minimum zoning lot is provided for the existing DWELLING or PRINCIPAL BUILDING.
- i. The subject property meets minimum zoning lot requirements.
- (c) Subparagraph 6.1.5 D.(3)a. states that for any adjacent LOT that is 10 acres or less in area (not including the STREET RIGHT OF WAY):
- i. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on no more than two sides by the PV SOLAR FARM, the separation shall be no less than 240 feet from the property line.
- (i) There is approximately 1,000 feet between the PV SOLAR FARM fenced area and any adjacent LOT that is 10 acres or less in area.

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- ii. For any adjacent LOT that is bordered (directly abutting and/or across the STREET) on more than two sides by the PV SOLAR FARM, the separation shall exceed 240 feet as deemed necessary by the BOARD.
  - (i) There are no adjacent lots abutting more than two sides of the PV SOLAR FARM.
  
- (d) Subparagraph 6.1.5 D.(3)b. states that for any adjacent LOT that is more than 10 acres in area (not including the STREET RIGHT OF WAY), the separation shall be no less than 255 feet from any existing DWELLING or existing PRINCIPAL BUILDING and otherwise the perimeter fencing shall be a minimum of 10 feet from a SIDE or REAR LOT LINE. This separation distance applies to properties that are adjacent to or across a STREET from a PV SOLAR FARM.
  - i. No adjacent lots of more than 10 acres in area have DWELLINGS or PRINCIPAL BUILDINGS.
  
- (e) Subparagraph 6.1.5 D.(3)c. states that additional separation may be required to ensure that the noise level required by 35 Ill. Admin. Code Parts 900, 901 and 910 is not exceeded or for other purposes deemed necessary by the BOARD.
  - i. There are no proposed additional separations at this time.
  
- (f) Subparagraph 6.1.5 D.(4) states that there must be a separation of at least 500 feet from specific types of airport and restricted landing area facilities unless the SPECIAL USE permit application includes results provided from an analysis using the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or the most recent version adopted by the FAA, and the SGHAT results show no detrimental affect with less than a 500 feet separation.
  - i. There are no airports or restricted landing area facilities within 500 feet.
  
- (g) Subparagraph 6.1.5 D.(5) requires a separation of at least 500 feet between substations and transmission lines of greater than 34.5 kVA to adjacent dwellings and residential DISTRICTS.
  - i. There are no new substations or transmission lines of greater than 34.5 kVA within 500 feet of adjacent dwellings or residential DISTRICTS.
  
- (h) Subparagraph 6.1.5 D.(6) states that electrical inverters shall be located as far as possible from property lines and adjacent DWELLINGS consistent with good engineering practice. Inverter locations that are less than 275 feet from the perimeter fence shall

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require specific approval and may require special sound deadening construction and noise analysis.

- i. P&Z Staff has verified that the inverters shown on the revised Site Plan received ~~August 30~~November 30, 2023, are approximately 275 feet away from the PV SOLAR FARM perimeter fence.
  - ii. Regarding the distance between the inverters and nearby lots with dwellings, based on the revised Site Plan received ~~August 30~~November 30, 2023:
    - (i) The closest distance between the property line and an inverter is approximately 1,350 feet.
- (i) Subparagraph 6.1.5 D.(7) states that separation distances for any PV SOLAR FARM with solar equipment exceeding 8 feet in height, with the exception of transmission lines which may be taller, shall be determined by the BOARD on a case-by-case basis.
    - i. The application stated that the arrays will not exceed 8 feet in height.
  - (j) Subparagraph 6.1.5 D.(8) states that PV SOLAR FARM solar equipment other than inverters shall be no less than 26 feet from the property line of any lot more than 10 acres in area.
    - i. The revised Site Plan received ~~August 30~~November 30, 2023, shows that there is at least a 26 feet separation between the east and west property lines and the nearest array.
- (9) Paragraph 6.1.5 E. contains standard conditions for the design and installation of PV SOLAR FARMS. Compliance with paragraph 6.1.5 E. can be summarized as follows:
- a. Subparagraph 6.1.5 E.(1) requires certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that that the constructed building conforms to Public Act 96-704 regarding building code compliance and conforms to the Illinois Accessibility Code.
    - (a) The Special Use Permit application packet received July 25, 2023, does not include any buildings. The data center building is independent of the solar arrays.
  - b. Subparagraph 6.1.5 E.(2) establishes minimum requirements for electrical components.
    - (a) Part 6.1.5 E.(2)a. states that all electrical components of the PV SOLAR FARM shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.
      - i. No information was required or submitted for the Special Use Permit application.

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- (b) Part 6.1.5 E.(2)b. states that burying power and communication wiring underground shall be minimized consistent with best management practice regarding PV solar farm construction and minimizing impacts on agricultural drainage tile.
  - i. No information was required or submitted for the Special Use Permit application.
  
- c. Subparagraph 6.1.5 E.(3) states that the height limitation established in Section 5.3 shall not apply to a PV SOLAR FARM, and requires the maximum height of all above ground STRUCTURES to be identified in the application and as approved in the SPECIAL USE permit.
  - (a) The petitioner indicated that all above ground structures would be less than eight feet tall.
  
  - (b) Solar array height will be under eight feet.
  
- d. Subparagraph 6.1.5 E.(4) requires that a reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - (a) The petitioner will provide warning signs.
  
- e. Subparagraph 6.1.5 E.(5) requires that no PV SOLAR FARM construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.
  - (a) The petitioner has not provided information regarding drainage district tile on the subject property.
  
  - (b) The subject property does not have a connection to public sewer or water.
  
  - (c) Champaign County Geographic Information Systems data shows an Ameren gas line within the road right-of-way on the subject property.
  
- (10) Paragraph 6.1.5 F. contains standard conditions to mitigate damage to farmland.
  - a. The soil on the 77.5-acre subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 67A Harpster silty clay loam, 198A Elburn silt loam, and 153A Pella silty clay, and has an average Land Evaluation score of 96.
  
  - b. The Applicant is required to sign an Agricultural Impact Mitigation Agreement, which would include requirements to mitigate damage to farmland per 505 ILCS 147/15(b). A special condition has been added to ensure compliance.

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- c. Subparagraph 6.1.5 F.(1) establishes a minimum depth of 5 feet for underground wiring or cabling below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R.
  - (a) No information was required or submitted for the Special Use Permit application.
  
- d. Subparagraph 6.1.5 F.(2) establishes requirements for protection of agricultural drainage tile.
  - (a) ~~No information has been provided regarding possible agricultural tile on the subject property.~~ On November 9, 2023, P&Z Staff received a map from 1985 showing drainage tiles in the subject property area from Fountain Head Drainage District. The map indicates a private tile traversing the subject property, with the 10-inch private tile crossing the PV Solar Array fenced area. The map suggests that there are no Drainage District tiles impacted by the proposed development. The petitioner noted on the Site Plan received November 13, 2023 that the contractor would field locate tile sections and avoid damaging them.
  
  - (b) Village President John Garth made P&Z Staff aware that there is a large drainage tile running adjacent to IL10 that is not shown on the Site Plan received November 13, 2023, and that the work was done in conjunction with Fountain Head Drainage District. P&Z Staff contacted Don Wauthier of Berns, Clancy & Associates because he has done engineering work with Fountain Head Drainage District. In an email received November 20, 2023, Mr. Wauthier stated that there is a large diameter tile line belonging to Fountain Head Drainage District running along IL 10 and said Bob Barker with Fountain Head Drainage District would have the exact location.
  
- e. Subparagraph 6.1.5 F.(3) requires restoration for any damage to soil conservation practices.
  - (a) No information was required or submitted for the Special Use Permit application.
  
- f. Subparagraph 6.1.5 F.(4) establishes requirements for topsoil replacement pursuant to any open trenching.
  - (a) No information was required or submitted for the Special Use Permit application.
  
- g. Subparagraph 6.1.5 F.(5) establishes requirements for mitigation of soil compaction and rutting.
  - (a) No information was required or submitted for the Special Use Permit application.



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- h. Subparagraph 6.1.5 F.(6) establishes requirements for land leveling.
    - (a) No information was required or submitted for the Special Use Permit application.
  - i. Subparagraph 6.1.5 F.(7) establishes requirements for a permanent Erosion and Sedimentation Control Plan.
    - (a) No information was required or submitted for the Special Use Permit application.
  - j. Subparagraph 6.1.5 F.(8) establishes requirements for retention of all topsoil.
    - (a) No information was required or submitted for the Special Use Permit application.
  - k. Subparagraph 6.1.5 F.(9) establishes requirements for minimizing the disturbance to BEST PRIME FARMLAND by establishing a specific type of vegetative ground cover.
    - (a) The petitioner provided ground cover specifics on the revised Site Plan received ~~August 30~~November 30, 2023.
- (11) Paragraph 6.1.5 G. contains standard conditions for use of public streets.
- a. Paragraph 6.1.5 G.(1) requires the Applicant to enter into a signed Roadway Upgrade and Maintenance agreement approved by the County Engineer and State's Attorney and/or any relevant Township Highway Commissioner prior to the close of the public hearing for the use of public streets, except for any COMMUNITY PV SOLAR FARM for which the relevant highway authority has agreed in writing to waive the requirements, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for certain conditions.
    - (a) The petitioner submitted a haul route received August 30, 2023 that only uses state and federal highways, so no Roadway Upgrade and Maintenance Agreement is necessary. A special condition has been added regarding the haul route.
  - b. Paragraph 6.1.5 G.(2) requires that the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney, or Township Highway Commissioner, or municipality.
    - (a) No information was required or submitted for the Special Use Permit application.
  - c. Paragraph 6.1.5 G.(3) requires the Applicant or its successors in interest to enter into a Roadway Use and Repair Agreement with the appropriate highway authority for decommissioning the PV SOLAR FARM.
    - (a) No information was required or submitted for the Special Use Permit application.



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- (12) Paragraph 6.1.5 H. contains standard conditions for coordination with local fire protection districts.
- a. The subject property is located approximately 1,475 feet from the Bondville Fire Station.
  - b. No information was provided in the application regarding the petitioner's cooperation with the Bondville Fire Department in creating an emergency response plan for the proposed solar farm.
- (13) Paragraph 6.1.5 I. contains standard conditions for the allowable noise level.
- a. Subparagraph 6.1.5 I.(1) requires the noise level from each PV SOLAR FARM to be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
    - (a) ~~A request for a waiver was added so the petitioner can provide this information at a later time. A Noise Analysis was received on September 14, 2023, which demonstrates compliance with the aforementioned regulations. A waiver is no longer necessary.~~
      - i. The noise study indicates an existing ambient nighttime noise level of 63 dBA and an average noise level of 68 dBA for the existing homes along IL 10. The predicted noise level for the DATA CENTER and PV SOLAR ARRAY is 36 dBA, which is lower than the existing ambient noise level.
  - b. Subparagraph 6.1.5 I.(3)a. requires that a SPECIAL USE Permit application for other than a COMMUNITY PV SOLAR FARM shall include a noise analysis.
    - (a) The project size is not considered to be a COMMUNITY PV SOLAR FARM and therefore a noise analysis is required.
    - (b) ~~A request for a waiver was added so the petitioner can provide this information at a later time. A Noise Analysis was received on September 14, 2023. A waiver is no longer necessary.~~
- (14) Paragraph 6.1.5 J. contains standard conditions for endangered species consultation. Regarding compliance with 6.1.5 J.:
- a. The EcoCAT report received August 22, 2023 indicated no endangered species in the vicinity of the subject property.
- (15) Paragraph 6.1.5 K. contains standard conditions for historic and archaeological resources review. Regarding compliance with 6.1.5 K.:
- a. The letter from the IDNR State Historic Preservation Office received August 22, 2023 indicated no historic properties would be affected.
- (16) Paragraph 6.1.5 L. states: "The PV SOLAR FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality."

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- a. No information was required or submitted for the Special Use Permit application.
- (17) Paragraph 6.1.5 M. contains standard conditions for screening and fencing.
- a. Subparagraph 6.1.5 M.(1) requires the PV SOLAR FARM to have perimeter fencing that is at least 7 feet tall, with Knox boxes and keys provided at locked entrances, and a vegetation management plan included in the application to control NOXIOUS WEEDS.
    - (a) ~~Regarding a vegetation management plan, the petitioner has requested a waiver to provide a Landscape Plan with weed control plan at a later date. The petitioner has provided proposed vegetative cover on the revised Site Plan received November 30, 2023. Required fencing and Knox boxes are included in the application.~~
  - b. Subparagraph 6.1.5 M.(2) requires a visual screen around the perimeter of the PV SOLAR FARM.
    - (a) Subparagraph 6.1.5 M.(2)a.(a) requires that a visual screen be provided for any part of the PV SOLAR FARM that is visible to and located within 1,000 feet of an existing DWELLING or residential DISTRICT.
      - i. There is one dwelling approximately 950 feet northwest of the PV SOLAR ARRAY fenced area.
      - ii. The revised Site Plan received ~~August 30~~November 30, 2023 indicates a line of vegetative screening along the central part of the west property line.
- (18) Paragraph 6.1.5 N. contains standard conditions to minimize glare from the PV SOLAR FARM. Subparagraph 6.1.5 N.(1) requires that the design and construction of the PV SOLAR FARM shall minimize glare that may affect adjacent properties and the application shall include an explanation of how glare will be minimized.
- a. The petitioner intends to utilize VSUN545-144BMH-DG panels which are constructed of anti-reflective coated tempered glass.
- (19) Paragraph 6.1.5 O. contains standard conditions for the minimum liability insurance for the PV SOLAR FARM.
- a. No information was required for the Special Use Permit application.
- (20) Paragraph 6.1.5 P. contains other standard conditions for operation of the PV SOLAR FARM.
- a. Subparagraph 6.1.5 P.(1)c. states: “The Application shall explain methods and materials used to clean the PV SOLAR FARM equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The BOARD may request copies of well records from the Illinois State Water Survey and may require

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an estimate by a qualified hydrogeologist of the likely impact on adjacent waterwells.”

- (a) The petitioner stated that they expect rainfall to clean the solar panels sufficiently.
  - b. Subparagraph 6.1.5 P.(3) states: “The PV SOLAR FARM SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). The weed control plan shall be explained in the application.
    - (a) ~~The petitioner has requested a waiver to provide a Landscape Plan with weed control plan at a later date. The petitioner has provided proposed vegetative cover on the revised Site Plan received November 30, 2023.~~
    - (b) The type of racking for the solar modules is designed to be approximately 18 inches above grade at the low end of the module.
      - i. P&Z Staff have concerns about whether ground cover can be established and whether appropriate weed control can occur under such a low design.
  - c. All other requirements in Paragraph 6.1.5 P. do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- (21) Paragraph 6.1.5 Q. contains standard conditions for a Decommissioning and Site Reclamation Plan for the PV SOLAR FARM and modifies the basic site reclamation requirements in paragraph 6.1.1 A. Compliance with paragraph 6.1.5 Q. can be summarized as follows:
- a. Subparagraph 6.1.5 Q.(1) of the Ordinance requires a signed Decommissioning and Site Reclamation Plan conforming to the requirements of paragraph 6.1.1 A. of the Ordinance and the remainder of 6.1.5 Q. of the Ordinance. Compliance with the requirements of paragraph 6.1.1 A. of the Ordinance can be summarized as follows:
    - (a) Subparagraph 6.1.1 A.1. of the Ordinance requires the petitioner to submit a Decommissioning and Site Reclamation Plan for consideration by the Board.
      - i. A Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY was received on August 25, 2023.
      - ii. A revised Decommissioning and Site Reclamation Plan was received November 13, 2023 that includes a line item for decommissioning the associated DATA CENTER.

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- (b) Subparagraph 6.1.1 A.2. of the Ordinance requires that the decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any operator and/or owner of a NON-ADAPTABLE STRUCTURE, and to all parties to the decommissioning and site reclamation plan. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
  - i. The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on ~~August 25~~November 13, 2023 indicates that it will comply with this requirement.
  
- (c) Subparagraph 6.1.1 A.3. of the Ordinance requires that separate cost estimates for Section 6.1.1 A.4.a., 6.1.1 A.4.b., and 6.1.1 A.4.c. shall be provided by an Illinois Licensed Professional Engineer and are subject to approval of the BOARD.
  - i. The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on ~~August 25~~November 13, 2023 includes cost estimates prepared by an Illinois Licensed Professional Engineer.
  
- (d) Subparagraph 6.1.1 A.4.d. of the Ordinance requires the Decommissioning and Site Reclamation Plan to provide for provision and maintenance of a letter of credit, as set forth in Section 6.1.1 A.5.
  - i. The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on ~~August 25~~November 13, 2023 indicates the petitioner will provide a Letter of Credit.
  
- (e) Subparagraph 6.1.1 A.5. of the Ordinance requires submission of an irrevocable letter of credit in the amount of 150% of the cost estimate required by 6.1.1 A.3 prior to issuance of a Zoning Use Permit.
  - i. No specifics were required or submitted regarding the Letter of Credit.
  
- (f) Subparagraph 6.1.1 A.6. of the Ordinance establishes a time period prior to the expiration of the irrevocable letter of credit during which the Zoning Administrator shall contact the landowner regarding the intent to renew the letter of credit and the landowner shall reply within a certain amount of time.

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- i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
- (g) Subparagraph 6.1.1 A.7. of the Ordinance establishes 5 factors to be considered in determining if a NON-ADAPTABLE structure (PV SOLAR FARM in this instance) is abandoned in place and 6.1.1 A.9. of the Ordinance establishes 7 conditions when the Zoning Administrator may draw upon the letter of credit and jointly these 12 circumstances comprise when the Zoning Administrator may draw upon the letter of credit.
  - i. No specifics were required or submitted for the Special Use Permit application regarding this requirement.
- (h) All other requirements in Paragraph 6.1.5 Q.(1) do not have to be submitted as part of the Special Use Permit application; rather, they will be required during construction, operations, and/or decommissioning phases of the project.
- b. Subparagraph 6.1.5 Q.(2) of the Ordinance requires that in addition to the costs listed in subparagraph 6.1.1 A.4. of the Ordinance, the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the PV SOLAR FARM and all costs related to removal of access driveways.
  - (a) The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25 November 13, 2023 appears to comply with this requirement.
- c. Subparagraph 6.1.5 Q.(3) of the Ordinance requires the Decommissioning and Site Reclamation Plan to include additional information.
  - (a) The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25 November 13, 2023 appears to comply with this requirement.
- d. Subparagraph 6.1.5 Q.(4) of the Ordinance requires that the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as required in paragraph 6.1.1 A.5. of the Ordinance. Regarding compliance with this subparagraph:
  - (a) The revised Decommissioning and Site Reclamation Plan for the proposed PV SOLAR ARRAY received on August 25 November 13, 2023 appears to comply with this requirement.
- e. Subparagraph 6.1.5 Q.(5) of the Ordinance states that in addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for a myriad of reasons.
  - (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.

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- f. Subparagraph 6.1.5 Q.(6) of the Ordinance states that the Zoning Administrator may, but is not required to, deem the PV SOLAR FARM abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the PV SOLAR FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the PV SOLAR FARM only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining PV SOLAR FARM.
  - (a) No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received.
  
- g. Subparagraph 6.1.5 Q.(7) of the Ordinance states that the Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.
  - (a) A special condition has been added to ensure compliance.
  
- (22) Paragraph 6.1.5 R. contains standard conditions for securing an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
  - a. The petitioner did not provide any information on this with their application.
  
  - b. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
  
- (23) Paragraph 6.1.5 S. contains standard conditions for a complaint hotline for complaints related to PV SOLAR FARM construction and ongoing operations.
  - a. No information regarding this standard condition is required as part of the Special Use Permit application unless the Petitioner seeks a waiver of any part or all of this standard condition, and no waiver request has been received. A special condition has been added to ensure compliance.
  
- (24) Paragraph 6.1.5 T. contains a standard condition stating that the PV SOLAR FARM County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.
  
- (25) Paragraph 6.1.5 U. contains standard conditions establishing additional requirements for application for a PV SOLAR FARM County Board Special Use Permit that supplement the basic requirements for a special use permit application.
  - a. Subparagraph 6.1.5 U.(1)a. requires a PV SOLAR FARM Project Summary.
    - (a) A Project Description was received on August 22, 2023.

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- b. Subparagraph 6.1.5 U.(1)b. requires the name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) for the PV SOLAR FARM County Board SPECIAL USE permit.
  - (a) The application received July 25, 2023, demonstrates compliance with this requirement.
  
- c. Subparagraph 6.1.5 U.(1)c. requires a site plan for the SOLAR FARM which includes the following:
  - (a) The approximate planned location of all PV SOLAR FARM STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, access driveways, solar devices, electrical inverter(s), electrical transformer(s), cabling, switching station, electrical cabling from the PV SOLAR FARM to the Substations(s), ancillary equipment, screening and fencing, third party transmission lines, meteorological station, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.
    - i. The revised Site Plan received ~~August 30~~November 30, 2023, demonstrates compliance with this requirement.
  
  - (b) The site plan shall clearly indicate the area of the proposed PV SOLAR FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.5 B.(1).
    - i. The revised Site Plan received ~~August 30~~November 30, 2023 appears to conform to this requirement.
  
  - (c) The location of all below-ground wiring.
    - i. The revised Site Plan received ~~August 30~~November 30, 2023 appears to conform to this requirement.
  
  - (d) The location, height, and appearance of all above-ground wiring and wiring structures.
    - i. The revised Site Plan received ~~August 30~~November 30, 2023 appears to conform to this requirement.
  
  - (e) The separation of all PV SOLAR FARM structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts and/or glare that were approved in the PV SOLAR FARM County Board SPECIAL USE Permit. PV SOLAR FARM structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.



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- i. The revised Site Plan received ~~August 30~~November 30, 2023 appears to conform to this requirement.
  
- d. Subparagraph 6.1.5 U.(1)d. requires submittal of all other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
  - (a) Compliance with this subparagraph has been shown in previous sections of this Summary of Evidence.
  
- e. Subparagraph 6.1.5 U.(1)e. requires that the PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM as required by Section 6.1.5 B.(2)a.(b).
  - (a) Village President John Garth acknowledged receipt of the SPECIAL USE permit application on August 25, 2023.
  
- f. Subparagraph 6.1.5 U.(1)f. requires that a municipal resolution regarding the PV SOLAR FARM by any municipality located within one-and-one-half miles of the PV SOLAR FARM must be submitted to the ZONING ADMINISTRATOR prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board as required by Section 6.1.5 B.(2)a.(c).
  - (a) No resolution from the Village of Bondville has been received as of September 6, 2023. The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.
  - (b) Notice of the September 14, 2023, ZBA public hearing was sent by P&Z Staff to the Village of Bondville on August 21, 2023.
  
- g. Subparagraph 6.1.5 U.(1)g. requires that documentation of an executed interconnection agreement with the appropriate electric utility shall be provided prior to issuance of a Zoning Compliance Certificate to authorize operation of the PV SOLAR FARM as required by Section 6.1.5 B.(3)b.
  - (a) A signed interconnection agreement was received on August 25, 2023.
  
- h. Subparagraph 6.1.5 U.(2) requires that the Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.



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- (a) The applicant has notified P&Z Staff of any changes.
  - i. Subparagraph 6.1.5 U.(2) requires that the Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction. A special condition has been added to ensure compliance.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
  - (1) The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
  - (2) Regarding the SWMEC requirement to protect agricultural field tile, see the review of compliance with paragraph 6.1.5 F. that contains standard conditions to mitigate damage to farmland.
- D. Regarding the Special Flood Hazard Areas Ordinance, most of the subject property is located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Bondville subdivision jurisdiction and appears to be in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning districts:
  - (1) The proposed use is a PV SOLAR FARM that is consistent with the essential character of the AG-2 Agriculture districts because it is only authorized in the AG-1 and AG-2 Districts.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. A PV SOLAR FARM may be authorized by the County Board in the AG-1 or AG-2 Agriculture Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
    - (1) A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to the following findings:
      - a. that the waiver is in accordance with the general purpose and intent of the ordinance; and

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- b. that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- B. See Section 12 for a summary of evidence regarding whether any requested waiver of standard conditions will be in harmony with the general intent and purpose of the Ordinance.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-2 district as follows (capitalized words are defined in the Ordinance):

The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (2) The types of uses authorized in the AG-2 district are in fact the types of uses that have been determined to be acceptable in the AG-2 districts. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
    - (3) Paragraph 2.0(a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
    - (4) Paragraph 2.0(b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
      - a. Regarding the value of nearby properties, it is not clear whether or not the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
      - b. Regarding the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.
        - (a) If the petitioner is denied the special use permit, the property can still be used for agricultural production.
      - c. Section 6.1.5 Q. of the PV SOLAR FARM text amendment approved on August 23, 2018, includes a standard condition requiring a Decommissioning and Site Reclamation Plan that is intended to ensure there is adequate

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financial assurance for removal of a PV SOLAR FARM at the end of its useful life. Ensuring adequate site reclamation is one method of protecting surrounding property values.

- (5) Paragraph 2.0(c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

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

- (6) Paragraph 2.0(d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

- a. The requested Special Use Permit location is in the mapped floodplain.
- b. The proposed Special Use is not exempt from the *Storm Water Management and Erosion Control Ordinance*. A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts.
- c. The revised Decommissioning and Site Reclamation Plan received ~~August 25~~ November 13, 2023, states: “Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment.”

- (7) Paragraph 2.0(e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.

- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- c. Citing that the proposed map amendment and development would be “injurious to the citizens of the Village,” the Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.
- d. A summary of public comments received during these cases can be found under Item 8.K. of this Summary of Evidence.

- (8) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the

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BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES. These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

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

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

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

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

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

The subject property is proposed to be located in the AG-2 Agriculture district and is, by definition, a rural use.

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

There are no known natural features on the subject property.

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

The subject property is proposed to be located in the AG-2 Agriculture district and is, by definition, a rural use.

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

The entire subject property is proposed to be located in the AG-2 Agriculture district and is, by definition, a rural use.

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

The Zoning Ordinance has designated the AG-2 Agriculture Zoning District as an acceptable area to develop PV SOLAR ARRAYS.

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

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

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

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

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

- (1) The Village of Bondville was notified of the proposed Special Use Permit on August 21, 2023. ~~and no comments have been received.~~ The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY.

- ~~B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board:~~

- ~~(1) The petitioner continues to work on a Landscape Plan and weed control plan that is customized to the subject property.~~

- ~~C. Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board:~~

- ~~(1) The petitioner is aware of this requirement and needs more time to have the noise study done.~~

***RELATED TO THE WAIVERS, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE***

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Without Part A of the proposed waivers, for locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality: the project could not be constructed on the subject property.
  - ~~B. Without Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board: the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.~~
  - ~~C. Without Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board: the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.~~

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

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. Regarding Part A of the proposed waivers, for locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality:
    - (1) The petitioner was aware of this requirement but decided to request the waiver so that the project could proceed.
  - ~~B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board:
    - (1) The petitioner continues to work on the Landscape Plan and weed control plan and will provide it as soon as possible.~~
  - ~~C. Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board:
    - (1) The petitioner is aware of this requirement and needs more time to have the noise study done.~~

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

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- A. Regarding Part A of the proposed waivers, for locating the PV SOLAR ARRAY less than one-half mile from an incorporated municipality and within the contiguous urban growth

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area of a municipality: the requested waiver is 0% of the minimum required, for a waiver of 100%.

- (1) PV SOLAR ARRAYS are allowed in the AG-2 Agriculture ZONING DISTRICT, which is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

~~B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board: the requested waiver is 0% of the minimum required, for a waiver of 100%.~~

~~C. Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board: the requested waiver is 0% of the minimum required, for a waiver of 100%.~~

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

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Village of Bondville has been notified of this case. The Village of Bondville filed a protest on October 25, 2023 against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY, and has not provided comments as of September 6, 2023.
  - B. The Scott Township Highway Commissioner and IDOT have been notified of this case, and no comments have been received.
  - C. The Bondville Fire Protection District has been notified of this case, and no comments have been received regarding the waiver.
  - D. The Drainage District for the subject property has been notified of this case, and ~~no~~ comments have been received the petitioner provided a 1985 map of drainage tiles in the Fountain Head Drainage District. No other comments have been received.
  - E. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

17. Regarding proposed special conditions of approval:
  - A. **The approved site plan consists of the following documents:**
    - **Site Plan sheets received ~~August 30~~ November 30, 2023.**

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

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

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

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

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

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

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

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

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

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

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

- ~~E. **A Landscape Plan with Weed Control Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.5 M. and Section 6.1.5 P.(3) of the Zoning Ordinance.**~~

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

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

- E. **Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:**
- 1. The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.**
  - 2. The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.**
  - 3. Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.**



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

**The Special Use Permit complies with Ordinance requirements regarding road use agreements.**

**E. 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 “A3” by Moody’s or a rating of “A-” by Kroll Bond Rating Agency 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 per the 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.**

**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,**

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**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.**
4. **A fire hydrant shall be installed along the gravel drive within 200 feet of the data center in compliance with the relevant standards of the relevant jurisdiction and written acceptance by the Bondville Fire Department shall be submitted to the Zoning Administrator and a Knox box shall be installed at the door to the Data Center.**

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

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

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

1. **Maintain the pollinator plantings and required visual screening 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:

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

- I. Within the boundary of the solar farm, the petitioner shall:**
- 1. Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;**
  - 2. Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and**
  - 3. All mutual tile drains that serve upland areas shall be protected from construction disturbance and a 40-foot wide no-construction area shall be centered on all mutual drain tiles.**
  - 4. Future access shall be guaranteed for maintenance of all mutual drain tiles.**
  - 5. No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**

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

**To ensure conformance with all relevant requirements for replacement of underground drainage tile within the area of the special use permit.**

- J. The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.**

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

**To ensure maintenance of underground drainage tile within the area of the special use permit for the lifetime of the special use permit.**

- K. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the PV SOLAR ARRAY on the north, east, and south sides, the owner of the PV SOLAR ARRAY will establish vegetative screening per Section 6.1.5 M.(2) of the Zoning Ordinance.**

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

**To ensure that a screen is planted in the event that anticipated future residential development does occur on adjacent land.**

**DOCUMENTS OF RECORD**

1. Applications for Map Amendment, Special Use Permits and Variance received July 25, 2023
2. Preliminary Memorandum dated September 6, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan with Erosion Control Plan received August 30, 2023 (2 sheets)
  - C 2020 aerial with floodplain and 1-foot contours prepared by P&Z Staff on August 24, 2023
  - D Letter from landowner Andrew Hatch received August 18, 2023
  - E Project Narrative received August 22, 2023
  - F EcoCAT results from IDNR received August 22, 2023
  - G IDNR Historic Preservation Office letter received August 22, 2023
  - H Decommissioning and Site Reclamation Plan received August 25, 2023
  - I Security Plan received August 25, 2023
  - J Erosion Control Plan text received August 29, 2023
  - K Haul Route received August 30, 2023
  - L Inverter specification sheets received August 22, 2023
  - M Solar module specification sheets received August 22, 2023
  - N Terrasmart solar module racking specification sheets received August 22, 2023
  - O LRMP Land Use Goals, Objectives, and Policies (available on ZBA meetings website)
  - P LRMP Appendix of Defined Terms (available on ZBA meetings website)
  - Q Right to Farm Resolution 3425
  - R Site Visit Photos taken July 31, 2023
  - S Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated September 14, 2023
  - T Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated September 14, 2023
  - U Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated September 14, 2023
3. Email from Beth Chepan received September 13, 2023 (distributed at 9/14 ZBA)
4. Email from Sean Arie received September 13, 2023 (distributed at 9/14 ZBA)
5. Email from Julie Arie received September 14, 2023 (distributed at 9/14 ZBA)
6. Noise Study by Shiner Acoustics received September 14, 2023 (distributed at 9/14 ZBA)
7. Resolution of Protest from the Village of Bondville received October 25, 2023
8. Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
9. Revised Site Plan received November 13, 2023
10. Plat of Survey received November 9, 2023

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11. Fountain Head Drainage District tile map from 1985 received November 9, 2023
12. Revised Decommissioning and Site Reclamation Plan received November 13, 2023
13. Supplemental Memorandum #1 dated November 22, 2023, with attachments:
  - A Legal advertisement
  - B Resolution of Protest from the Village of Bondville received October 25, 2023
  - C Natural Resource Information Report by Champaign County Soil and Water Conservation District received October 26, 2023
  - D Revised Site Plan received November 13, 2023
  - E Plat of Survey received November 9, 2023
  - F Fountain Head Drainage District tile map from 1985 received November 9, 2023
  - G Email from Don Wauthier of Berns, Clancy & Associates received November 20, 2023
  - H Revised Decommissioning and Site Reclamation Plan received November 13, 2023
  - I Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 109-AM-23 dated November 30, 2023
  - J Revised Summary of Evidence, Finding of Fact, and Final Determination for Cases 110-S-23 and 112-V-23 dated November 30, 2023
  - K Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated November 30, 2023
14. Supplemental Memorandum #2 dated November 30, 2023, with attachments:
  - A Legal advertisement
  - B Email from Tony Grilo and Adam Shaw received November 30, 2023
  - C Revised Site Plan received November 30, 2023 – 2 sheets
15. Supplemental Memorandum #3 dated March 20, 2024, with attachments:
  - A Legal advertisement
  - B Revised Site Plan received November 30, 2023 – 2 sheets
  - C Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 111-S-23 dated March 28, 2024

## FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **111-S-23** held on **September 14, 2023, November 30, 2023, and March 28, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
  - a. *The State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25% of the State's energy coming from renewable sources by the year 2025.*
  - b. *The Illinois Future Energy Jobs Act requires installation of 3,000 MW of new solar capacity by the year 2030.*
  
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
    - a. *Traffic volumes are not expected to increase significantly other than during construction of the project.*
    - b. *Notice was sent to IDOT and the Township Road Commissioner, and no comments have been received.*
  
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *The subject property is located approximately 1,475 feet from the Bondville Fire Station.*
  
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:
    - a. *The proposed PV SOLAR ARRAY will not be disruptive to surrounding agriculture.*
    - b. *The inverters are located approximately 1,350 feet from the closest residential property.*
  
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *Most of the subject property is located within a mapped floodplain.*
    - b. *A Storm Water Drainage Plan and detention basin will be required if more than 16% of the subject property is impervious area, including gravel, buildings, and solar array rack posts, per the Storm Water Management and Erosion Control Ordinance.*
  
  - e. Public safety will be *{ADEQUATE / INADEQUATE} {because\*}*:
    - a. *The subject property is located approximately 1,475 feet from the Bondville Fire Station.*
    - b. *Notice was sent to IDOT and the Township Road Commissioner, and no comments have been received.*

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- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - a. *A PV SOLAR ARRAY does not require parking.*
  - b. *There is no significant increase in traffic expected for the proposed development.*
- g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
  - a. *The site is reasonably well-suited in all respects and has no major defects.*
- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - a. *No additional public services are necessary for the proposed development.*
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*:
  - a. *No new public infrastructure is required for the proposed development.*

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located, subject to approval of the requested waivers.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
- 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
  - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use **IS NOT** an existing nonconforming use.



6. Regarding necessary waivers of standard conditions:

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

A. Regarding Part A of the proposed waivers, for locating the PV SOLAR ARRAY 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: ***the Village of Bondville has been notified of this case and ~~has not provided comments as of September 6, 2023.~~ on October 25, 2023, filed a Resolution of Protest against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY. The County Board approved the map amendment on February 22, 2024.***
- (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: ***the Village of Bondville was notified of the proposed Special Use Permit on August 21, 2023 and on October 25, 2023, filed a Resolution of Protest against the required Map Amendment in Case 109-AM-23 that would provide appropriate zoning for the PV SOLAR ARRAY. The County Board approved the map amendment on February 22, 2024.***
- (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: ***without the waiver, the project could not be constructed on the subject property.***
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: ***the petitioner was aware of this requirement but decided to request the waiver so that the project could proceed.***
- (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: ***without the waiver, the project could not be constructed on the subject property.***

~~B. Regarding Part B of the proposed waivers, for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board:~~

- ~~(1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because: ***the petitioner will still need to provide this document prior to receiving a Zoning Use Permit.***~~



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- ~~(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: ***the petitioner continues to work on a Landscape Plan and weed control plan that is customized to the subject property.***~~
  - ~~(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: ***the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.***~~
  - ~~(4) — The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because: ***the petitioner continues to work on the Landscape Plan and weed control plan and will provide it as soon as possible.***~~
  - ~~(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.~~
- ~~C. — Regarding Part C of the proposed waivers, for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board:~~
- ~~(1) — The waiver ***{IS / IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL / WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because: ***the petitioner is aware of this requirement and needs more time to have the noise study done.***~~
  - ~~(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: ***the petitioner is aware of this requirement and needs more time to have the noise study done.***~~
  - ~~(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: ***the Special Use Permit process might have to be extended in order to have sufficient time to prepare the required materials.***~~
  - ~~(4) — The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because: ***the petitioner is aware of this requirement and needs more time to have the noise study done.***~~
  - ~~(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.~~

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

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

- Site Plan sheets received ~~August 30~~ November 30, 2023.

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

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

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

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

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

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

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

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

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

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

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

~~E. **A Landscape Plan with Weed Control Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.5 M. and Section 6.1.5 P.(3) of the Zoning Ordinance.**~~

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

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

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**E. Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:**

- 1. The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.**
- 2. The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.**
- 3. Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.**

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

**The Special Use Permit complies with Ordinance requirements regarding road use agreements.**

**E. 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 "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency 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.**

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7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan per the 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.**

- 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.**
  4. **A fire hydrant shall be installed along the gravel drive within 200 feet of the data center in compliance with the relevant standards of the relevant jurisdiction and written acceptance by the Bondville Fire Department shall be submitted to the Zoning Administrator and a Knox box shall be installed at the door to the Data Center.**

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

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

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

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

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

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

**I. Within the boundary of the solar farm, the petitioner shall:**

1. **Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;**
2. **Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and**
3. **All mutual tile drains that serve upland areas shall be protected from construction disturbance and a 40-foot wide no-construction area shall be centered on all mutual drain tiles.**
4. **Future access shall be guaranteed for maintenance of all mutual drain tiles.**
5. **No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**

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

**To ensure conformance with all relevant requirements for replacement of underground drainage tile within the area of the special use permit.**

**J. The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.**

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

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**To ensure maintenance of underground drainage tile within the area of the special use permit for the lifetime of the special use permit.**

**K. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the PV SOLAR ARRAY on the north, east, and south sides, the owner of the PV SOLAR ARRAY will establish vegetative screening per Section 6.1.5 M.(2) of the Zoning Ordinance.**

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

**To ensure that a screen is planted in the event that anticipated future residential development does occur on adjacent land.**

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## **FINAL DETERMINATION**

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

The Special Use requested in Case **111-S-23** be {**GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED**} to the applicant, **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning district:

**Authorize a PV SOLAR ARRAY with a total nameplate capacity of 6 megawatts (MW), including access roads and wiring, as a second principal use as a County Board Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District in Case 109-AM-23, and including the following waivers of standard conditions (other waivers may be necessary):**

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

~~**Part B: A waiver for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 F.(9)a.(b).iv.**~~

~~**Part C: A waiver for not submitting a Noise Analysis prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 I.(3).**~~

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

- A. The approved site plan consists of the following documents:
  - Site Plan sheets received ~~August 30~~ November 30, 2023.**
- B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.**
- D. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.**



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~~E. A Landscape Plan with Weed Control Plan that has been approved by ELUC is required at the time of application for a Zoning Use Permit that complies with Section 6.1.5 M. and Section 6.1.5 P.(3) of the Zoning Ordinance.~~

E. Regarding roadway use during construction and decommissioning of the PV SOLAR ARRAY:

1. The petitioner shall use the designated haul route received August 30, 2023 that only uses the identified state and federal highways.
2. The petitioner shall acquire any necessary permits for access and overweight/oversized vehicles from the Illinois Department of Transportation and submit a copy of those approved permits with the Zoning Use Permit application.
3. Should a different haul route be used, the petitioner shall submit to the Zoning Administrator a Roadway Use Agreement with the relevant municipality, township, or County Highway Department.

E. 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 "A3" by Moody's or a rating of "A-" by Kroll Bond Rating Agency 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.

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7. **The telephone number for the complaint hotline required by 6.1.5 S.**
8. **Any updates to the approved Site Plan per the requirements provided in Section 6.1.5 U.1.c.**

- 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.**
  4. **A fire hydrant shall be installed along the gravel drive within 200 feet of the data center in compliance with the relevant standards of the relevant jurisdiction and written acceptance by the Bondville Fire Department shall be submitted to the Zoning Administrator and a Knox box shall be installed at the door to the Data Center.**

- H.** **The Applicant or Owner or Operator of the PV SOLAR ARRAY shall comply with the following specific requirements that apply even after the PV SOLAR ARRAY goes into commercial operation:**
1. **Maintain the pollinator plantings and required visual screening 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.**

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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. Within the boundary of the solar farm, the petitioner shall:**
1. **Complete a survey identifying all drainage tile and stake off all tile encountered prior to construction;**
  2. **Replace or repair all privately owned underground drainage tile that are identified and encountered consistent with both the Champaign County Storm Water Management and Erosion Control Ordinance and with the Agriculture Impact Mitigation Agreement; and**
  3. **All mutual tile drains that serve upland areas shall be protected from construction disturbance and a 40-foot wide no-construction area shall be centered on all mutual drain tiles.**
  4. **Future access shall be guaranteed for maintenance of all mutual drain tiles.**
  5. **No Zoning Compliance Certificate shall be authorized by the Zoning Administrator until all required “as-built” drawings showing the location of all drainage tile within the boundary of the solar farm have been filed with the Illinois Department of Agriculture and the Champaign County Soil and Water Conservation District.**
- J. The petitioner shall maintain the privately owned underground drainage tiles within the boundary of the solar farm for the lifetime of the special use permit including any repairs that may be necessary for up to one year after decommissioning and site reclamation.**
- K. Within one year of residential development (i.e. construction of a dwelling) within 1,000 feet of the PV SOLAR ARRAY on the north, east, and south sides, the owner of the PV SOLAR ARRAY will establish vegetative screening per Section 6.1.5 M.(2) of the Zoning Ordinance.**

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