



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council
FROM: John A. Schneider, MPA, Manager, Community Development Services Department
DATE: August 16, 2018
SUBJECT: A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (Case No. CCZBA-895-AT-18)

Introduction

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance to add “PV Solar Farm” as a new principal use under the category “Industrial Uses: Electric Power Generating Facilities,” and allow that a PV Solar Farm may be authorized by a County Board Special Use Permit in the AG-1 and AG-2 – Agriculture Zoning Districts. This amendment would allow for the development of large- and medium-scale photovoltaic (PV) solar arrays in the unincorporated areas of Champaign County. At its August 9, 2018, meeting, the Plan Commission voted unanimously to recommend that City Council defeat a resolution of protest, with a condition. Staff recommends that City Council defeat the resolution of protest, without attaching the same condition.

Background

The proposed text amendment is of interest to the City of Urbana to the extent that it will affect zoning and land use development decisions within the City’s one-and-one-half mile extraterritorial jurisdictional (ETJ) area. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions where certain regulations may overlap. Since development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City’s corporate limits, some level of consistency in zoning regulations is also desirable. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;
- Unincorporated portions of Champaign County adjacent to the City of Urbana will likely be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation; and
- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect the City’s ability to grow according to the shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to the Champaign County Zoning Ordinance to ensure compatibility with existing City ordinances. It is the City Council's responsibility to review the proposed amendment to determine what impact it may have on the City, and decide whether or not to protest the proposed text amendment. Under state law, a municipal protest of the proposed amendment would require three-quarters super majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required.

According to materials provided by the applicant, there has been an increasing interest in solar farm developments (utility- and community-scale electrical generation using solar energy) throughout the State of Illinois in 2017, and there are seven pending PV Solar Farm cases on the Champaign County Zoning Board of Appeals (CCZBA) case docket.

The Champaign County Environment and Land Use Committee (ELUC) initially discussed this proposed amendment at its January 4, 2018, meeting and approved opening a CCZBA public hearing for the amendment at its March 1, 2018, meeting. Comments were received from ELUC and community members, and revisions were made based on that input. The CCZBA has met multiple times and made revisions to the proposed zoning ordinance text amendment. These meeting memoranda can be found at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php (see "2018 Meetings" for the February 22 Preliminary Memo and Supplemental Memos #1 through #17). After extensive discussion, the CCZBA voted at its June 28, 2018, meeting to forward the zoning amendment to ELUC with a recommendation for approval (four ayes, two nays, one absence). This final version was introduced for review by ELUC on July 5, 2018 (Exhibit A). ELUC voted to recommend approval of the text amendment on August 9, 2018, and will forward it to the County Board for their August 23, 2018, meeting. On August 9, 2018, the Urbana Plan Commission voted unanimously to recommend to City Council to defeat a resolution of protest with one condition and direction to staff to address issues brought up during discussion.

County planning staff researched the subject and many county residents and other concerned individuals have provided oral and written testimony, both in support of, and opposed to, the proposed text amendment. There were many items of discussion both amongst CCZBA members and between the CCZBA and members of the public, including concerns about noise and glare impacts, requirements for distance and screening buffers, and potential positive and negative impacts to local economy and property values. Although many concerns were brought up that focused on nearby residents and the local environment, this memorandum will focus on potential impacts to the City of Urbana. The following information was provided in the CCZBA's Preliminary Memorandum (dated February 22, 2018):

- Overview of a Typical Solar Farm: There are typically three types of solar facilities:
 - Utility-Scale Solar Farms (40% of facilities) are large-scale facilities, usually 20+ acres, strictly for the production of electricity to be sold on the open market. These facilities must have, or be near, an electrical sub-station.
 - Community Solar Farms (50% of facilities) are smaller-scale facilities, usually between five and ten acres. They may be used for commercial generation or for community use such as a university, municipality, or other large land use or land use group. These do not need an electrical substation and can be constructed anywhere a three-phase electrical line exists.

- Light Renewable Program (8% of facilities) are private, individual installations.
- Solar Farm Ordinances:
 - There is no model solar farm ordinance for Illinois communities. The Illinois Solar Energy Association (ISEA) provides specific recommendations for local zoning regulation of solar facilities in Illinois on 24 topics, ranging from applicability (zoning districts and by-right versus conditional/special permitting) and system size, to lot configuration and environmental impacts.
 - County planning staff reviewed existing solar farm ordinances from Kankakee, Christian, Fulton, Tazewell, and Whiteside Counties.
- Likely impacts of Solar Farm Development: reports were included on “The Top five Large-Scale Solar Myths”; the potential positive and negative environmental and economic impacts; and the potential socioeconomic impacts and mitigation measures.

Currently, the Champaign County Zoning Ordinance does not address any size of PV solar array. The proposed PV Solar Farm zoning ordinance text amendment is based on the existing Champaign County Zoning Ordinance’s requirements for “wind farms.” For comparison, the City of Urbana’s Zoning Ordinance treats PV solar arrays as a “mechanical system” and requires that their use is accessory to an existing principal use. When an accessory solar array is installed in the City, it must meet setback requirements and, if ground-mounted, must be screened. The City currently has no zoning regulations permitting or regulating principal-use “utility- or community-scale solar energy systems” analogous to the PV Solar Farms interested in siting in the County.

Discussion

County Zoning

City staff reviewed and summarized the proposed text amendment language to determine potential impacts to land within the City’s current or extraterritorial jurisdictions, or for potential impacts to the City’s ability to plan or manage development (Exhibit A-2). Below are the proposed changes that are the most relevant to the City of Urbana.:

- § 4.2.1.C.(4) adds PV Solar Farm as a principal use in an AG-1 Zoning District or as a second principal use on a lot in an AG-2 Zoning District; either would require a County Board Special Use Permit.
- § 6.1.5.B.(2) is one of the Standard Conditions and prohibits locating a PV Solar Farm in the City’s ETJ except under these conditions:
 - a. That the proposed PV Solar Farm is not in the City’s Contiguous Urbana Growth Area (CUGA) and is at least one-half (1/2) mile from any municipal boundary (Exhibit B); and
 - b. That the Applicant has provided the City with a copy of the Special Use Permit Application; and
 - c. That if no resolution from the City regarding a proposed PV Solar Farm is submitted prior to the consideration of the Special Use Permit by the County Board, the County

Zoning Administrator shall provide documentation that the municipality was notified of the meeting dates.

- Various subsections of § 6.1.5.B. are additional Standard Conditions which require distance separations, noise levels, visual screening and fencing, glare minimization, and a Decommissioning and Site Reclamation Plan.

Urbana 2005 Comprehensive Plan

By State law, the City has the ability to review zoning decisions within its ETJ area for consistency with the City’s comprehensive plan. Therefore, Champaign County’s proposed Zoning Ordinance text amendment should be reviewed for consistency with the City of Urbana’s 2005 Comprehensive Plan, which includes the following pertinent goals and objectives:

Goal 6.0 **Preserve natural resources (including air, water, and land) and environmentally-sensitive areas in the community.**

Objective 6.2 Protect sensitive areas, such as wooded areas, major drainageways, and areas of topographic relief.

Goal 15.0 **Encourage compact, contiguous, and sustainable growth patterns.**

Objective 15.5 Promote intergovernmental cooperation on development and growth issues.

Goal 16.0 **Ensure that new land uses are compatible with and enhance the existing community.**

Objective 16.2 Preserve agricultural lands and environmentally-sensitive areas outside the growth area of the city.

Goal 17.0 **Minimize incompatible land uses.**

Objectives 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 **Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).**

Objectives 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed zoning ordinance text amendment to allow a principal use “PV Solar Farm” in the County AG-1 and AG-2 – Agriculture Zoning Districts subject to certain Special Use Conditions is generally consistent with these City goals and objectives. It seeks to increase the availability of renewably-generated electricity while reducing the negative impacts on existing adjacent residential

uses. It also includes measures to protect farmland, natural and cultural resources, and wildlife.

Impacts to City of Urbana Zoning

Within the City’s municipal boundaries, the proposed zoning ordinance text amendment does not directly impact the use of land, nor is it likely to impact the City’s ability to manage growth and development within the ETJ. It does create a mechanism of prior notification and an opportunity to submit a resolution to the County regarding the proposed Special Use Permit, but the action would not trigger a super majority vote by the County Board. Finally, the proposed amendment creates zones in the City’s area of extraterritorial jurisdiction within which a PV Solar Farm cannot be located.

Plan Commission

On August 9, 2018, the Urbana Plan Commission voted unanimously to recommend to City Council to defeat a resolution of protest contingent on a condition, if that condition was legal to impose. The Commission also suggested that staff may develop other conditions to protect the city’s ability to grow.

The condition the Plan Commission recommended would require the County Board to vote with a super majority to approve a Special Use Permit for a PV Solar Farm should a municipality submit a Resolution of Protest.

Subsequent to the Commission meeting, City staff discussed with the City’s Legal Division the question of the County extending the super majority-vote Resolution of Protest authority to proposed PV Solar Farm SUPs. Legal staff stated that, because Champaign County is a non-home rule county, it cannot require more than a simple majority vote for SUP approval (55 ILCS 5/2-1005, supported by substantial case law). That condition is therefore not included in the staff recommendation.

City staff also learned from Champaign County Regional Planning Commission staff that the *2010 LRMP* Steering Committee included an urban representative from the city, and that the CUGA was area designated for future urban development.¹

Other discussion centered on the appropriateness of the use of the CUGA shown in the Champaign County *2010 Land Resource Management Plan* (LRMP) as a “no PV Solar Farm zone” and whether or not that restriction adequately protected the city’s growth potential. Staff indicated that they could suggest additional conditions to City Council to ensure that the city’s interests are protected.

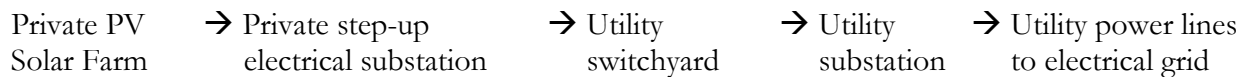
¹ As defined by the *2010 Land Resource Management Plan*, the CUGA is the area of unincorporated land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan and located within the current or near- or mid-term planned service area of a public sanitary sewer system. Essentially, the CUGA is a torus, or “doughnut-shaped,” with the doughnut “hole” being the city’s corporate boundary and the doughnut’s outer-edge being the edge of UCSD’s Facilities Planning Area. The LRMP’s Land Use Management Area map, which includes the CUGA, is regularly updated to show municipal annexations and is amendable upon request by the municipalities.

Following the Commission meeting, staff found that several aspects of the proposed zoning text amendment *are* under city control, to some extent. First, revisions of the proposed text amendment had added language that prohibits any proposed PV Solar Farm within one-half (1/2) mile of any municipal boundary, in addition to being prohibited in the CUGA. Both this one-half-mile buffer area and the ETJ buffer area are dynamic, growing as the city annexes land and expands into the unincorporated areas of the county.

Secondly, the prohibition in the area of the CUGA is controlled, to a certain extent, by the city. The CUGA is also dynamic, contracting its inner boundary as the city’s corporate limits expand, and expanding outward at the edge as the Urbana-Champaign Sanitary District’s Facilities Planning Boundary expands. The primary influence that the city has regarding the CUGA’s limits is through the Comprehensive Plan, which designates areas outside the city’s corporate limits for future urban development. If the city wants an area to be developed for uses other than Agricultural or Parks-Recreation, it can designate it for urban development. This would expand the CUGA to include these areas, upon amendment by the Champaign County Regional Planning Commission at the city’s request.

City staff has also since learned from County staff that none of the seven proposed PV Solar Farms on the county’s case docket are within five miles of the city’s current municipal boundary. Therefore, city staff believe that is unlikely that future PV Solar Farms will locate near the city’s boundary due to the necessity of having a utility-grade electrical substation to which the PV Solar Farm can connect.

The typical connection configuration is as follows:



The two existing electrical utility substations in Champaign County are located in Sidney (6.8 miles to the east) and Rising (5.6 miles to the west). A proposed PV Solar Farm would need to a) connect into an existing utility switchyard and utility substation, b) have the utility company build them a utility switchyard next to an existing utility substation (minimum \$4 million), or c) run a generator tie-line to an existing utility switchyard next to an existing utility substation (\$250,000 to \$1 million per mile of line).² Although it would be possible for a proposed PV Solar Farm to site within the city’s ETJ it would be much less cost-effective than if they sited closer to an existing electrical utility substation and switchyard. For these reasons, city staff feel that it is unlikely that a utility-scale PV

² A switchyard is a utility-owned facility used to connect a power plant (solar array, coal- or natural gas-fired plant, wind turbine) to the utility transmission line system. It isolates the power plant from the utility system and vice versa. Think of it as the “jumper cable” between the Utility’s substation and the Developer’s step-up substation, which itself is connected to the PV Solar Farm. Typical costs for a switchyard can be from \$4M for a single-breaker system for a 69 kVA system, to \$7M for a three-breaker system for a 138kVA system, up to \$10-15M for a 230kVA system. Every large utility project will have an on-site private step-up electrical substation. If it is a line tap, the utility company would build a switchyard that would connect its utility substation to the developer’s step-up substation. If a developer taps directly into an existing utility substation, they will have to have their own private step-up electrical substation. As per Patrick Brown (Baywa r.e.)

Solar Farm will locate within the city's ETJ unless a new utility electrical substation is constructed. As a result, no additional conditions have been proposed.

Summary of Staff Findings

1. The Champaign County Zoning Administrator is proposing a set of text amendments to add "PV Solar Farm" as a new principal use under the category "Industrial Uses: Electric Power Generating Facilities" and indicate that a PV Solar Farm may be authorized by a County Board Special Use Permit in the AG-1 and AG-2 – Agriculture Zoning Districts.
2. The City of Urbana has no similar use of a large- or medium-scale PV solar array which is permitted by-right, conditionally, or specially in any zoning district.
3. The proposed text amendment is generally compatible with the land use policy goals and objectives of the 2005 Urbana Comprehensive Plan, which promote natural resource preservation, contiguous growth, and compatibility of land uses.
4. The proposed text amendment would not pose significant negative impacts to land uses or to the ability of the City to manage growth and development of land currently within the City's ETJ.

Options

City Council has the following options:

- a. **Defeat** a resolution of protest; or
- b. **Defeat** a resolution of protest, contingent upon specific provisions to be identified; or
- c. **Approve** a resolution of protest.

Recommendation

At its August 9, 2018, meeting, the Urbana Plan Commission voted six ayes to zero nays to forward the case to City Council with a recommendation to **DEFEAT a resolution of protest** for the proposed County Zoning Ordinance text amendment contingent on requiring that the resolution in response to Special Use Permits by the County Board follow the procedures of Resolutions of Protest including the effect requiring a super majority vote by the County Board, if such a condition would be legal to request.

Based on additional information provided by the City Legal Division stating that the County Board cannot require a super majority vote for a Special Use Permit, due to the protections within one-half mile from the city's boundary and within the CUGA, and due to the economic infeasibility of siting a PV Solar Farm within the city's ETJ, city staff recommends City Council **defeat a resolution of protest** as presented.

Attachments: Exhibit A: Proposed Solar Farm Zoning Ordinance Text Amendment
- FULL LANGUAGE (available at <https://www.urbanaininois.us/node/7305>)
Exhibit A-2: Proposed Solar Farm Text Amendment Staff Summary
Exhibit B: Land Use Management Areas Map, *2010 Champaign County Land
Resource Management Plan*
Exhibit C: Urbana Corporate Boundaries and Future Land Use
Exhibit D: Urbana Corporate Boundaries and PV Solar Farm Buffers
Exhibit E: Plan Commission Meeting Minutes from August 9, 2018 – DRAFT

cc: John Hall, Director, Champaign County Planning and Zoning

Exhibit A-2.: Proposed Solar Farm Text Amendment Staff Summary

- 1) Amend Section 3 by adding definitions including but not limited to “NOXIOUS WEEDS” and “PV SOLAR FARM.”
- 2) Add new subparagraph 4.2.1 C.4. to indicate that PV SOLAR FARM may be authorized by County Board SPECIAL USE permit as a second PRINCIPAL USE on a LOT in the AG-1 DISTRICT or the AG-2 DISTRICT with another PRINCIPAL USE.
- 3) Add new subparagraph 4.3.4 H.4.i to exempt PV SOLAR FARM from the Pipeline Impact Radius regulations except as Pipeline Impact Radius regulations are required as a standard condition in new Section 6.1.5.
- 4) Amend Section 5.2 to add “PV SOLAR FARM” as a COUNTY BOARD Special Use Permit in the AG-1 District and AG-2 District.
- 5) Amend Section 5.3 to exempt LOTS in a PV SOLAR FARM County Board SPECIAL USE Permit and intended for PV SOLAR FARM, related substations, and PV SOLAR FARM maintenance and management facilities from the requirements of Section 5.3 except as such regulations are required by Subsection 6.1.5.
- 6) Add new paragraph 5.4.3 F. that prohibits the Rural Residential OVERLAY DISTRICT from being established inside a PV SOLAR FARM County Board SPECIAL USE Permit.
- 7) Amend Subsection 6.1.1.A. to Decommissioning and Site Reclamation Plan for NON-ADAPTABLE STRUCTURES, add PV SOLAR FARM as a NON-ADAPTABLE STRUCTURE, and make other modifications to the subsection.
- 8) Add new subsection 6.1.5 PV SOLAR FARM County Board SPECIAL USE Permit with new standard conditions for PV SOLAR FARM (based on existing subsection 6.1.4 for “WIND FARM”).
 - a) General Standard Conditions for: minimum areas; prohibited location areas; power grid interconnection permission status; adjacent properties’ “right to farm” acknowledgement.
 - i) § 6.1.5.B.(2)(a) Prohibited Areas prohibits locating a PV SOLAR FARM within 1-1/2 miles of an unincorporated municipality, unless special conditions are met:
 - (1) not within a Contiguous Urban Growth Area and at least ½-mile from a municipal boundary; and
 - (2) applicant has provided a copy of the Special Use Permit to the municipality; and
 - (3) 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 COUNTY 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.
 - ii) § 6.1.5.B.(2)(b) prohibits locating a PV SOLAR FARM less than ½ mile from a CR Conservation-Recreation Zoning District.
 - iii) § 6.1.5.B.(2)(a)(b) requires an applicant to notify the city by submitting a copy of the Special Use Permit to the city,
 - iv) § 6.1.5.B.(2)(a)(c) requires the COUNTY ZONING ADMINISTRATOR to provide documentation that s/he notified the municipality of the county bodies’ meeting dates, if no municipal resolution is submitted by the date of the BOARD’s meeting to consider the issue.

- b) Minimum Lot Standards
 - c) Minimum Separations from adjacent USES and STRUCTURES, including fencing. Based on LOT size and number of sides bordering the PV SOLAR FARM; from aerial-related facilities due to potential of glare impacts; between high-voltage facilities and residential uses/districts; between inverters and DWELLINGS; for solar equipment taller than eight feet; from property lines. *Required distance separations ranging from 240' to "as deemed necessary by the BOARD" may create or increase the size of zones within which a PV SOLAR cannot locate.*
 - d) Standard Conditions for Design and Installation of any PV SOLAR FARM
 - e) Standard Conditions to Mitigate Damage to Farmland
 - f) Standard Conditions for Use of Public Streets
 - g) Standard Conditions for Coordination with Local Fire Protection District
 - h) Standard Conditions for Allowable Noise Level: Noise levels must comply with Illinois Pollution Control Board regulations 35 IAC H:900/901/910. PV SOLAR FARMS must submit noise analysis, COMMUNITY PV SOLAR FARMS may be required to submit same. *Increased separation distances due to noise levels may create or increase the size of zones within which a PV SOLAR cannot locate.*
 - i) Standard Conditions for Endangered Species Consultation
 - j) Standard Conditions for Historic and Archaeological Resources Review
 - k) Standard Conditions for Acceptable Wildlife Impacts
 - l) Screening and fencing
 - i) Perimeter fencing: fully enclosed by minimum 7'-tall fence
 - ii) Vegetated visual screening: for any part of PV SOLAR FARM visible to and located within 1,000 feet of existing DWELLING or residential DISTRICT; some exceptions permitted or waivable
 - m) Standard Conditions to Minimize Glare
 - n) Standard Condition for Liability Insurance
 - o) Operational Standard Conditions: annual report submission; increase in solar devices/structures; cleaning procedures and water consumption estimate; materials handling, storage and disposal; vegetation management
 - p) Standard Condition for Decommissioning and Site Reclamation Plan: including financial assurances
 - q) Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture
 - r) Complaint Hotline: establish a telephone number hotline for the general public to call with complaints or questions
 - s) Standard Condition for Expiration of PV SOLAR FARM County Board SPECIAL USE Permit: expires in ten years if no Zoning Use Permit is granted
 - t) Application Requirements
- 9) Add new subsection 9.3.1.J. to add application fees for a SOLAR FARM zoning use permit.
- 10) Part K. Add new subparagraph 9.3.3 B.8. to add application fees for a SOLAR FARM County Board SPECIAL USE permit.

Exhibit B.: Extra-Territorial Jurisdiction & Contiguous Urban Growth Areas

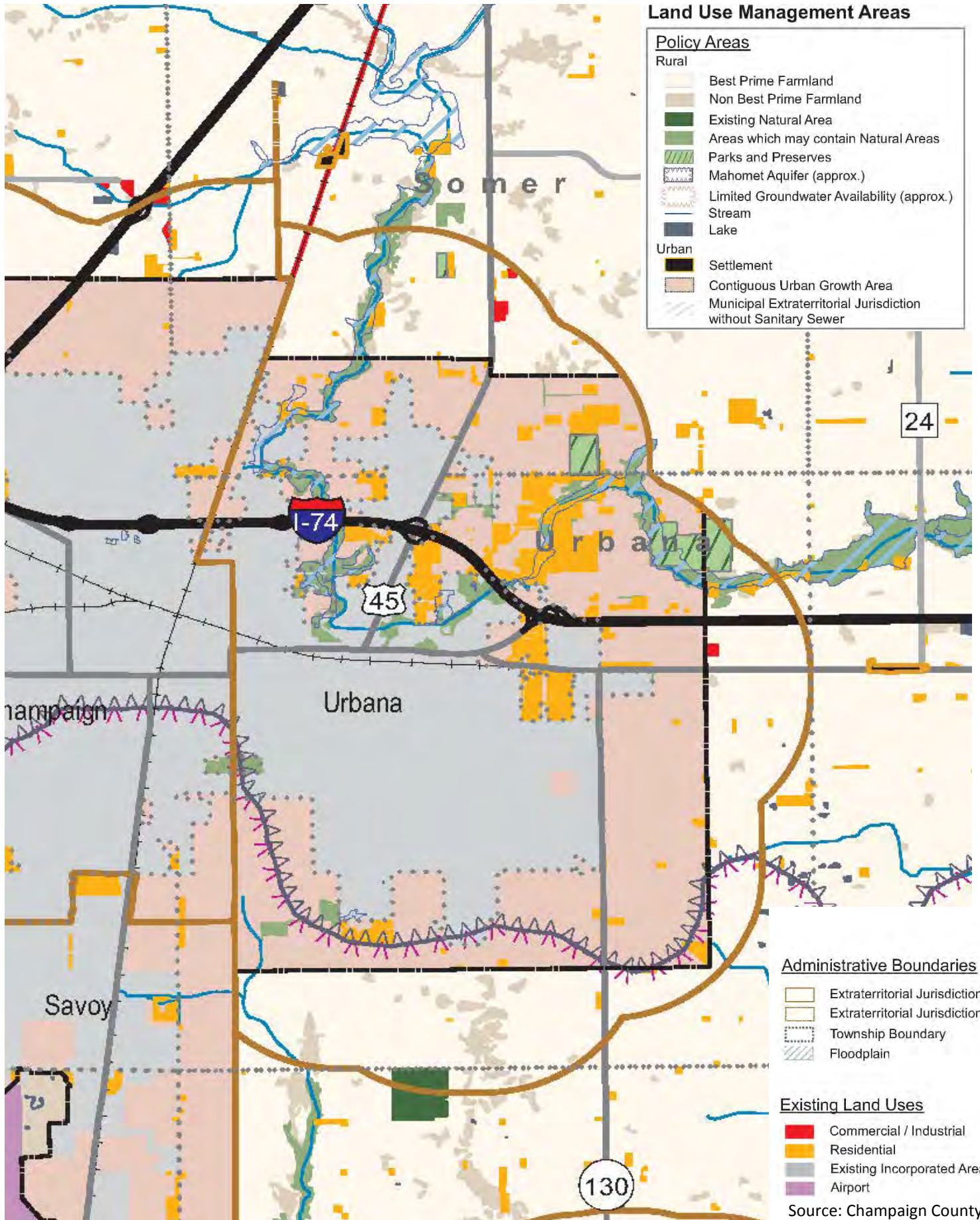


Exhibit C: Urbana Corporate Boundaries and Future Land Use

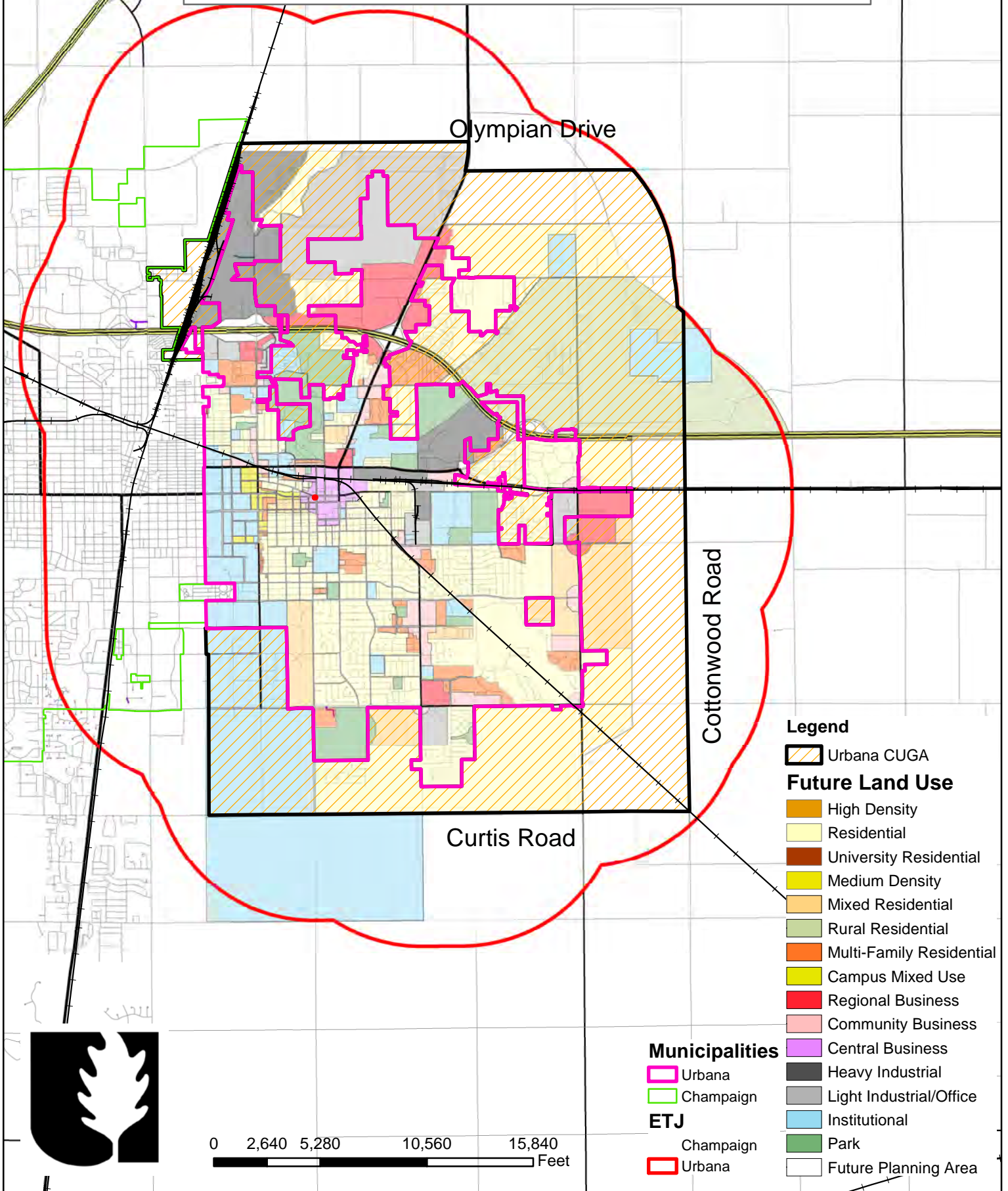
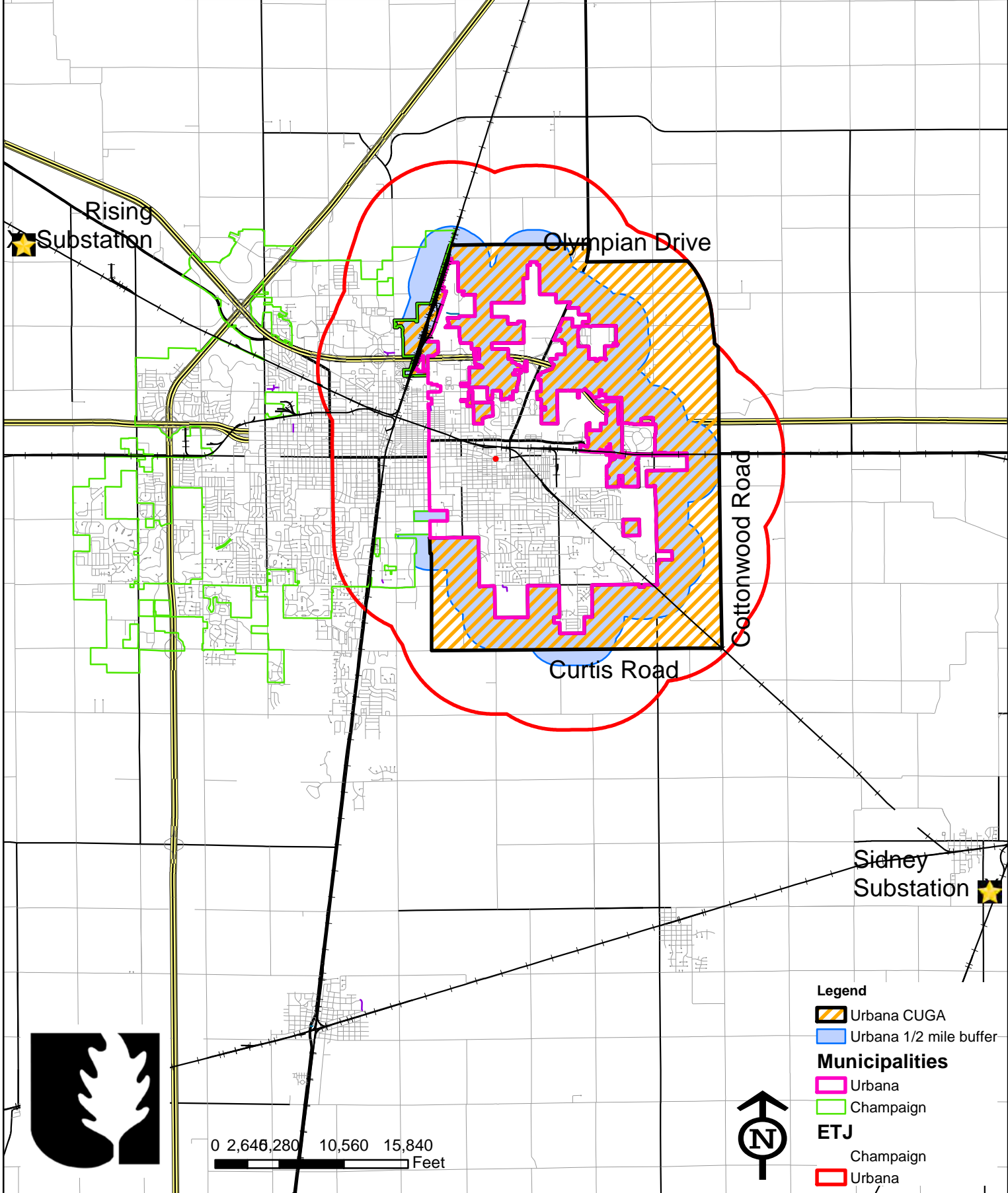


Exhibit D: Urbana Corporate Boundaries and PV Solar Farm Buffers



Legend

- Urbana CUGA
- Urbana 1/2 mile buffer
- Municipalities**
- Urbana
- Champaign
- ETJ**
- Champaign
- Urbana



0 2,646,280 10,560 15,840
Feet



Exhibit E: Plan Commission Meeting Minutes - DRAFT

August 9, 2018

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: August 9, 2018

TIME: 7:00 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Barry Ackerson, Andrew Fell, Lew Hopkins, Nancy Esarey
Ouedraogo, Daniel Turner, Chenxi Yu

MEMBERS ABSENT: Jane Billman, Tyler Fitch

STAFF PRESENT: Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II; Teri
Anel, Administrative Assistant II

OTHERS PRESENT: Karen Fresco

NEW BUSINESS

Case No. CCZBA-895-AT-18 – A request by the Champaign County Zoning Administrator to amend the text of the Champaign County Zoning Ordinance to add “PV Solar Farm” as a new principal use in the County AG-1 and AG-2 Districts subject to certain Special Use Conditions.

Acting Chair Turner opened the case. Mr. Hopkins stated that he has held some informal discussions on parts of the proposed text amendment unrelated to the aspects that involve the City of Urbana with people in Champaign County. However, he did not feel that it created a conflict of interest with his ability to consider and vote on the case.

Marcus Ricci, Planner II, presented the staff report for the proposed Champaign County text amendment. He explained that the proposed text amendment is of interest to the City of Urbana to the extent that it will affect zoning and land use development decisions within the City’s one-and-one-half mile extraterritorial jurisdictional (ETJ) area. He gave a brief background on where the proposed Champaign County text amendment was in the process of meetings with the Champaign County Environment and Land Use Committee (ELUC) and the Champaign County Zoning Board of Appeals (CCZBA).

Exhibit E: Plan Commission Meeting Minutes - DRAFT

August 9, 2018

He reviewed the three types of solar facilities, existing Solar Farm Ordinances in the State of Illinois, and likely impacts of a solar farm development. He stated the proposed changes to the Champaign County Zoning Ordinance, talked about the proposed changes that are most relevant to the City of Urbana and discussed how the proposed changes relate to the goals and objectives of the City's 2005 Comprehensive Plan. Referring to Exhibit B, he showed where the ETJ area and the Contiguous Urban Growth area were located. He stated that City staff does not anticipate a negative impact to the City or to the City's ability to plan or manage growth or development. He read the options of the Plan Commission and presented City staff's recommendation to defeat a resolution of protest.

Acting Chair Turner asked if the Plan Commission members had any questions for City staff.

Mr. Ackerson asked what the size of the University of Illinois solar farm is. Mr. Ricci estimated that it was around 20 acres. Under the proposed text amendment, a 20-acre solar farm would not be permitted within the Contiguous Urban Growth area unless the applicant submitted and the County Board granted a request for a waiver of the ordinance. The City of Urbana would have an opportunity to submit a resolution on whether or not we would want a facility of that size in a particular area.

Mr. Hopkins inquired if a resolution of protest on a special use permit would have any effect on the CCZBA's vote. Ms. Pearson did not believe that a protest from the City for a Special Use Permit would trigger any special vote.

Mr. Hopkins questioned if Champaign County created the Contiguous Urban Growth area map. Mr. Ricci answered yes. The map was created for the County's Long Range Management Plan. Ms. Pearson added that the map is a Champaign County designation.

Mr. Hopkins wondered what zoning a solar farm would come into the City as upon annexation. Mr. Ricci replied that it would depend on the County zoning at the time of annexation.

Ms. Ouedraogo wondered if the proposed text amendment favors the large scale over the smaller community solar farms. Mr. Ricci stated that the proposed text amendment addresses both community scale and utility scale solar farms. The standards are the same except that a utility scale solar farm proposal requires a noise analysis study. The standards throughout are strict with regard to separation, visualization, screening, etc.

Mr. Fell asked who could waive certain requirements. What can they waive and how does it impact the City of Urbana? Ms. Pearson replied that waivers would be variance requests reviewed by the Champaign County Board. An applicant could submit a Special Use Permit request with a variance request to allow a solar farm within the Contiguous Urban Growth area. Mr. Ricci added that while the variance process may be lenient, it is balanced by the Champaign County Board having the ability to place added restrictions to make approval stricter.

With no additional questions for City staff and with no public to give testimony, Acting Chair Turner opened the hearing for Plan Commission discussion and/or motion(s).

Exhibit E: Plan Commission Meeting Minutes - DRAFT

August 9, 2018

There was discussion between the Plan Commission members and the City staff about the options of the Plan Commission and the timeline for the review process for the proposed text amendment. Mr. Ricci stated that the August 20, 2018 meeting of the City Council is the last possible meeting for them to vote on the proposed text amendment before the Champaign County Board meets. Therefore, the Plan Commission, if possible, should render a decision even if there are contingencies on it to allow the Champaign County Board the can have the Plan Commission as well as the City Council's input.

Mr. Hopkins stated his understanding of the proposed text amendment to be that if a request for a solar farm is within the ETJ, then it requires a Special Use Permit and the City of Urbana has an opportunity to file a resolution of protest. Mr. Ricci clarified that ANY request for a solar farm in Champaign County would require approval of a Special Use Permit by the Champaign County Board. If a request were submitted for a solar farm in the ETJ area, it would not be allowed unless the applicant submits a copy of the application to the City of Urbana and then the City has an opportunity to submit a resolution. Mr. Hopkins felt that the City should be able to submit a standard resolution of protest and if the City protests then it should have an impact on the type of vote required by the Champaign County Board as with other types of Champaign County cases that the City have the right to review. Ms. Pearson replied that she could speak with the City's Legal Division to see if the City could request this additional language in the County text amendment. State law currently allows municipalities to have an opportunity to submit a resolution of protest only in two types of County zoning cases – rezonings (changes in the County Zoning Map) and text amendments to the County Zoning Ordinance. In the past, the City has submitted resolutions for Special Use Permit requests, but she does not know if it triggered a different vote or if it was the City making a statement.

Mr. Hopkins asked for clarification on whether solar farms would be permitted in the Contiguous Urban Growth area. Mr. Ricci explained that to have a solar farm in the ETJ area, an applicant would need to complete the notification process of submitting a copy of the application to the municipality. No solar farm facility would be allowed in the Contiguous Urban Growth area without requesting a waiver. Mr. Hopkins stated that if the City of Urbana wants a greater protection of some kind, it should be based on a map under the City's control and not something that Champaign County created.

Mr. Hopkins moved that the Plan Commission forward Case No. CCZBA-895-AT-18 to the City Council with a recommendation to defeat a resolution of protest contingent on requiring the resolution in response to Special Use Permits by the County Board follow the procedures of Resolution of Protest including the affect requiring a super majority vote by the Champaign County Board.

Mr. Hopkins felt that the other concerns, including the Contiguous Urban Growth area map, could be legislative record of discussion. Ms. Pearson agreed those concerns would need to go off the intent of the Plan Commission's discussion.

Mr. Ackerson seconded the motion. He agreed that the Contiguous Urbana Growth area map should not be included in the motion. He felt that the drawing of lines should be done in a joint effort between the City and the Champaign County Regional Planning Commission.

Exhibit E: Plan Commission Meeting Minutes - DRAFT

August 9, 2018

Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Turner	-	Yes	Ms. Yu	-	Yes
Mr. Ackerson	-	Yes	Mr. Fell	-	Yes

The motion was approved by unanimous vote.

Ms. Pearson noted that this case would be forwarded to the City Council on August 20, 2018.

RESOLUTION NO. 2018-08-39R

**A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO
THE CHAMPAIGN COUNTY ZONING ORDINANCE**

**(A request by the Champaign County Zoning Administrator to amend the text of the
Champaign County Zoning Ordinance to add “PV Solar Farm” as a new principal use /
CCZBA-895-AT-18)**

WHEREAS, the Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County No. CCZBA-895-AT-18 to add “PV Solar Farm” as a new principal use under the category “Industrial Uses: Electric Power Generating Facilities” and indicate that a PV Solar Farm may be authorized by a County Board Special Use Permit in the AG-1 and AG-2 – Agriculture Zoning Districts. This amendment would allow for the development of large- and medium-scale photovoltaic (PV) solar arrays in the unincorporated areas of Champaign County; and

WHEREAS, the proposed text amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of “CCZBA-895-AT-18”; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed zoning amendment where the land affected lies within one-and-one-half (1-1/2) miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed text amendment; and

WHEREAS, the proposed text amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the Urbana Plan Commission met on August 9, 2018, to consider the proposed text amendment and voted with six ayes and zero nays to forward to the City Council a recommendation of defeat of a resolution of protest with a condition; and

WHEREAS, the condition recommended by the Urbana Plan Commission is considered not to be legally enforceable; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto,

finds and determines that the proposed text amendment is not in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Urbana, Illinois, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution of Protest against the proposed text amendment as presented in CCZBA-895-AT-18.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2018.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this _____, day of _____, 2018.

Diane Wolfe Marlin, Mayor