



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Urbana Plan Commission

**FROM:** Marcus Ricci, AICP, Planner II

**DATE:** November 29, 2019

**SUBJECT:** **CCZBA-945-AT-19:** Amend the requirements for a proposed photovoltaic (PV) solar farm located within one-and-one-half miles of a municipality.

**CCZBA-946-AT-19:** Amend the requirements for a proposed photovoltaic (PV) solar farm located within one-and-one-half miles of a municipality.

**CCZBA-947-AT-19:** Delete the minimum one-half mile separation distance between a proposed PV solar farm and the CR Conservation Recreation Zoning District, and add financial assurance requirements.

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**Introduction**

The Champaign County Zoning Administrator (Zoning Administrator) is requesting amendments to several sections of the Champaign County Zoning Ordinance (Ordinance) concerning photovoltaic solar farms (solar farms) that are proposed within one-and-a-half miles of incorporated municipalities that have adopted a zoning ordinance. Cases 945-AT-19 and 946-AT-19 are alternative versions of a proposed text amendment to address site location, notification to neighboring municipalities, long-term leases, public hearing timelines, comment periods, and continuation of operations. Case 947-AT-19 proposes to eliminate the buffer requirement between proposed solar farms and the CR Conservation Recreation Zoning District, and to require local financial assurances.

The proposed text amendments are of interest to the City of Urbana to the extent that they will affect zoning and land development decisions within the City’s one-and-a-half mile extraterritorial jurisdiction (ETJ). The City has subdivision and land development jurisdiction within the ETJ, while the County holds zoning jurisdiction in this area, and it is important that there be consistency between these two jurisdictions where regulations may overlap. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in the County can potentially conflict with adjacent land uses in the City;
- Unincorporated portions of the County adjacent to the City will likely be annexed into the city at some point. Existing land uses would also be incorporated as part of annexation; and
- Development patterns of areas annexed into the City 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 amendments to the Champaign County Zoning Ordinance to ensure compatibility with City ordinances. It is the Plan

Commission's responsibility to review the proposed amendments to determine what impact they may have on the City, and to recommend to City Council whether or not to protest the proposed text amendments. Under state law, a municipal protest of the proposed amendments 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. This memorandum will address the proposed text amendments individually, and note and treat similarities and differences between them. The Plan Commission must issue individual recommendations for each proposed text amendment.

## **Background**

### **Cases 945-AT-19 and 946-AT-19**

According to materials provided by the applicant, during the creation of the solar farm text amendment<sup>1</sup> and in subsequent zoning cases for PV Solar Farm Special Use Permits, representatives of some Champaign County municipalities expressed a desire to have more input in the County's approval process for solar farms near their municipal limits. At its January 10, 2019, meeting, the Champaign County Environment and Land Committee (ELUC) reviewed a letter received from the Mayor of the Village of St. Joseph and the Village Presidents of Savoy and Mahomet requesting re-evaluation of Ordinance requirements for solar farms. The letter was also endorsed by the Village Presidents of Ogden and Sidney. The ELUC discussed this proposed amendment at its May meeting, revisions were made, and two alternative text amendments were drafted. The first version (Case 945-AT-19) includes only an extended time period for review by municipalities. Exhibit A shows the current text of the Ordinance; Exhibit B shows the proposed marked-up text of the Ordinance. The second version (Case 946-AT-19) includes both an extended time period for review and an increased separation between a municipality and a proposed solar farm; Exhibit C shows the proposed marked-up text of the Ordinance. Exhibit D shows the highlighted differences in subsection 6.1.5.B.(2) between these two versions.

Proposed amendment Part A in Case 946-AT-19 – which is not a part of Case 945-AT-19 – was requested by the municipalities because they want to maintain more than the one-half mile separation from their corporate limits that was established in the original solar farm text amendment; specifically, they desire a one-and-a-half-mile separation from their corporation limits and any solar farm. This amendment does not change the fact that, within the one-and-a-half-mile ETJ of municipalities with an adopted Comprehensive Plan, the County maintains zoning jurisdiction up to the municipal corporate limits, and the neighboring municipality has planning jurisdiction up to one-and-a-half miles outside its corporate limits. Note that, in the proposed text amendment, a solar farm developer can request a waiver from the proposed one-and-a-half-mile separation just as they can for the one-half-mile separation in the current Ordinance.

Proposed amendment Part A in Case 945-AT-19 – identical to Part B in Case 946-AT-19 – is in response to a request from municipalities for more time to evaluate and comment on Champaign County Board Special Use Permit cases for proposed solar farms.

Proposed amendment Part B in Case 945-AT-19 – identical to Part C in Case 946-AT-19 – is in response to the Village of Mahomet's existing regulation that all land leases exceeding five years

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<sup>1</sup> Text Amendment CCZBA 895-AT-18 was approved by the Champaign County Board on August 23, 2018. On August 20, 2018, the Urbana City Council defeated a resolution to protest the proposed text amendment, acting on the August 9, 2018, recommendation of the Urbana Plan Commission (six ayes, zero nays).

must go through a municipal subdivision approval process. The solar farms that have been approved by Champaign County to date have generally included 10- or 20-leases with options for extensions. Without this amendment, developers proposing solar farms within Mahomet's ETJ might not be aware of the need to seek subdivision approval from the Village.

Proposed amendment Part C in Case 945-AT-19 – identical to Part D in Case 946-AT-19 – was included by the Zoning Administrator because proposed amendments to the Ordinance, e.g., the increased minimum separation distance of Part A of Case 946-AT-19, could make some previously-approved solar farms nonconforming. This amendment would allow a nonconforming PV solar farm that is, for example, temporarily down for maintenance, to not lose its zoning right to operate.

Proposed amendment in Part D Case 945-AT-19 – identical to Part E in Case 946-AT-19 – was included for the same reason as Part C: that it could make some approved solar farms nonconforming. This proposed amendment would allow a previously-authorized solar farm to be constructed and/or operated pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit has not expired, even if it is made nonconforming by the proposed text amendment.

At its January 10 meeting, the ELUC approved opening a Champaign County ZBA (CCZBA) public hearing for these amendments at its June 6, 2019, meeting. Comments were received from ELUC and community members, and revisions were made based on that input. The CCZBA continued its public hearing on October 31, 2019. Case 945-AT-19 was forwarded to the ELUC with no recommendation due to a tie vote (three ayes, three nays). Case 946-AT-19 was forwarded to the ELUC with a recommendation for approval (four ayes, two nays). This indicates a slight preference for the alternative that includes the proposed increase in separation from one-half miles to one-and-a-half miles between the proposed solar farm and any municipality. The meeting memoranda can be found at [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php) (see “2019 Meetings” for the September 26 Preliminary Memo and October 31 Supplemental Memo). The ELUC will hold its public hearing on these two cases at its January 9, 2020, meeting. If forwarded by the ELUC, the Champaign County Board would hear one or both of these two cases at its January 23, 2020, meeting, at the earliest.

### **Case 947-AT-19**

According to materials provided by the applicant, at its May 9, 2019 meeting, the ELUC reviewed a memorandum regarding proposed changes to solar farm text amendment 895-AT-18. One of the proposed changes was to remove the one-half mile separation requirement between solar farms and the CR Conservation Recreation District. This current separation is similar to, but less than, the one-mile separation required between a proposed wind farm and the CR District. Based on the reviews of recently-authorized solar farms, the Zoning Administrator determined a minimum separation between a solar farm and the CR Conservation Recreation Zoning District is not necessary, and recommends removal of this requirement from the Zoning Ordinance.

The memo also included proposed changes involving the minimum required credit rating for financial institutions headquartered in Champaign County providing financial assurance for solar farms. The Ordinance currently requires that a financial institution providing financial assurance for decommissioning solar farms must have a minimum corporate debt rating of “A” by S&P or “A2” by Moody's. Staff has been contacted about establishing alternative minimum credit ratings for

banks headquartered in Champaign County. Exhibit E shows the current and proposed text of the Ordinance.

At the May 9<sup>th</sup> meeting, the ELUC approved opening a CCZBA public hearing for these amendments at its June 6, 2019, meeting. The CCZBA public hearing was opened, and then continued to its November 14, 2019, meeting, and then to its January 16, 2020, meeting. The meeting memoranda can be found at [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php) (see “2019 Meetings” for the September 26 Preliminary Memo and November 14 Supplemental Memo). If forwarded by the CCZBA, the ELUC will hold its public hearing on this case at its February 6, 2020, meeting, at the earliest. If forwarded by the ELUC, the Champaign County Board would hear this case at its February 20, 2020, meeting, at the earliest.

## Discussion

### *County Zoning*

#### **Cases 945-AT-19 and 946-AT-19**

City staff reviewed the alternative text amendments to determine potential impacts to land within the City’s boundary and ETJ, and for potential impacts to the City’s ability to plan or manage development. **Staff does not anticipate a negative impact to the City or to the City’s ability to plan or manage growth or development. Staff acknowledges that Case 946-AT-19 requires an applicant to apply to the County Board for a waiver, and be granted that waiver, to locate closer than one-and-a-half miles to the city’s corporate limits.** The City should consider whether solar farms are desirable, undesirable, or neutral land uses within the ETJ. Exhibit A shows the current text of the Ordinance. Exhibit B shows a mark-up of the proposed extended-review-time-only text (Case 945-AT-19). Exhibit C shows a mark-up of the proposed extended-review-time-plus-increased-buffer text (Case 946-AT-19). Exhibit D shows the differences in subsection 6.1.5.B.(2)a.(a) between these two versions.

City staff determined that the proposed amendments regarding notification of municipalities within one-and-a-half miles of a proposed solar farm are not relevant to the City because the County already notifies the City of Special Use Permit applications, including those for solar farms. Below are the proposed changes that are the most relevant to the City:

- Amend § 6.1.5.B.(2)a. to require a minimum distance of one-and-one-half miles between a proposed solar farm and an incorporated municipality with a zoning ordinance. As stated previously, a waiver may be granted by the County Board, if requested by the applicant. This would result in all existing approved solar farms being determined “nonconforming,” necessitating the passage of Parts D and E (described above) to allow said solar farms to be constructed or to make repairs if damaged more than 50% of replacement value. Case 946-AT-19 only.
- Add § 6.1.5.B.(2)d. to require municipal subdivision approval for any proposed solar farm land lease longer than five years by an relevant municipality that has an adopted comprehensive plan. Cases 945-AT-19 and 946-AT-19.

## Case 947-AT-19

City staff reviewed the proposed Ordinance text amendment to determine potential impacts to land within the City's boundary and ETJ, and for potential impacts to the City's ability to plan or manage development. **Staff does not anticipate a negative impact to the City or to the City's ability to plan or manage growth or development.** The proposed deletion of the one-half-mile buffer is not relevant to the City, as it only affects County CR zoning districts. The proposed requirement for locally-comparable financial assurances will not affect the City's ability to plan or manage growth. Exhibit E shows a mark-up of the proposed text of the Ordinance.

### **Urbana 2005 Comprehensive Plan**

By State law, the City has the ability to review zoning decisions within its ETJ 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.
- Goal 28.0**           **Develop a diversified and broad, stable tax base.**
- Objective 28.1       Encourage an appropriate balance of residential, commercial, and industrial growth.
- Goal 33.0**           **Provide maximum service and dependable utilities.**
- Objective 33.5       Promote the use of alternative energy sources, such as wind and solar.

The proposed zoning ordinance text amendments are generally consistent with these City goals and objectives. They seek to increase the empowerment of neighboring municipalities – both home-rule

and non-home-rule – plan and manage growth in their extraterritorial jurisdictions by increasing the communication between the county and the municipality, increasing the instances and periods of comment, and, in one case, increasing the required financial health of the proposed developer.

### *Impacts to City of Urbana Zoning*

Within the City’s municipal boundaries, the proposed text amendments do not directly affect the use of land, nor do they affect the City’s ability to manage growth and development. Both Case 945-AT-19 and Case 946-AT-19 require the city to approve any solar farm land lease that is longer than five years. In addition, Case 946-AT-19 requires a developer who wishes to build a solar farm closer than one-and-a-half miles to the City’s corporate limits to apply to, and receive, a waiver from the County Board of this separation distance requirement. The City may view this as a beneficial buffer, as a barrier to development for land that may one day annex into the City, or both. Case 947-AT-19 should not impose any additional burden on the City. **Staff does not anticipate a negative impact to the City or to the City’s ability to plan or manage growth or development.**

### **Summary of Staff Findings**

1. The Champaign County Zoning Administrator proposes two alternative text amendments to the Champaign County Zoning Ordinance concerning photovoltaic (PV) solar farms proposing to locate within one-and-a-half miles of an incorporated municipality with an adopted zoning ordinance. Both Case 945-AT-19 and Case 946-AT-19 propose to amend sections addressing notifications to neighboring municipalities, public hearing timelines, and comment periods. Case 946-AT-19 also increases the separation distance between a proposed solar farm and municipal corporation limits.
2. The Champaign County Zoning Administrator is also proposing text amendment Case 947-AT-19 to the Champaign County Zoning Ordinance to delete the one-half mile separation distance between a proposed solar farm and the CR Conservation Recreation Zoning District, and to require increased financial assurances.
3. All of the proposed text amendments are generally compatible with the land use policy goals and objectives of the 2005 Urbana Comprehensive Plan, which promote natural resource preservation, contiguous growth, economic stability, and compatibility of land uses.
4. The proposed text amendments 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**

Cases 945-AT-19 and 946-AT-19 are alternative text amendments, and the Plan Commission should determine if one alternative better protects the City’s interests in planning and managing growth, or if both are similarly beneficial or detrimental to those interests.

The Plan Commission has the following options in **CCZBA Case No. 945-AT-19**, a request to amend the Champaign County Zoning Ordinance regarding solar farms proposing to locate within one-and-one-half miles of an incorporated municipality, on issues of notifying neighboring municipalities, public hearing timelines, and comment periods:

- a. Forward the plan case to the City Council with a recommendation to **defeat** a resolution of protest; or

- b. Forward the plan case to the City Council with a recommendation to **defeat** a resolution of protest, contingent upon specific provisions to be identified; or
- c. Forward the plan case to the City Council with a recommendation to **approve** a resolution of protest.

The Plan Commission has the following options in **CCZBA Case No. 946-AT-19**, a request to amend the Champaign County Zoning Ordinance regarding solar farms proposing to locate within one-and-one-half miles of an incorporated municipality, on issues of notifying neighboring municipalities, public hearing timelines, comment periods, and requiring a minimum separation distance of one-and-one-half miles between said solar farm and municipality’s corporation limits:

- a. Forward the plan case to the City Council with a recommendation to **defeat** a resolution of protest; or
- b. Forward the plan case to the City Council with a recommendation to **defeat** a resolution of protest, contingent upon specific provisions to be identified; or
- c. Forward the plan case to the City Council with a recommendation to **approve** a resolution of protest.

The Plan Commission has the following options in **CCZBA Case No. 947-AT-19**, a request to amend the Champaign County Zoning Ordinance to eliminate the buffer requirement between a proposed solar farm and the CR Conservation Recreation Zoning District, and require local financial assurances:

- a. Forward the plan case to the City Council with a recommendation to **defeat** a resolution of protest; or
- b. Forward the plan case to the City Council with a recommendation to **defeat** a resolution of protest, contingent upon specific provisions to be identified; or
- c. Forward the plan case to the City Council with a recommendation to **approve** a resolution of protest.

### **Staff Recommendation**

Based upon the findings above, staff recommends that the Plan Commission forward to the City Council a recommendation:

- on Case 945-AT-19: to **defeat a resolution of protest** as presented.
- on Case 946-AT-19: to **defeat a resolution of protest** as presented.
- on Case 947-AT-19: to **defeat a resolution of protest** as presented.

Attachments: Exhibit A: Current Solar Farm Zoning Ordinance Text  
 Exhibit B: Proposed Marked-up Text of Case 945-AT-19  
 Exhibit C: Proposed Marked-up Text of Case 946-AT-19  
 Exhibit D: Comparison of Mark-ups of Cases 945-AT-19 and 946-AT-19

Full County Memos available at [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php)

cc: John Hall, Director, Champaign County Planning and Zoning  
 Susan Burgstrom, Planner, Champaign County Planning and Zoning.

# Exhibit A: Current Solar Farm Zoning Ordinance Text

ATTACHMENT B. Existing Section 6.1.5B.(2) of the Champaign County Zoning Ordinance  
FEBRUARY 27, 2019

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The existing Section 6.1.5B.(2) is as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
  - a. Less than one-and-one-half miles from an incorporated municipality that has 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.
    - (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.
    - (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.
  - b. Less than one-half mile from the CR Conservation Recreation Zoning District.

Cases 945-AT-19 & 946-AT-19  
ZBA 09/26/19, Attachment 2 Page 3 of 6



# Exhibit B: Proposed Marked-up Text of Case 945-AT-19

## 1. Revise Section 6.1.5B.(2) as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
- a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include 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.~~

{NOTE: The 11/5/18 letter from non-home rule municipalities requested an increase of the required separation to one-and-one-half miles and better notification to municipalities. This alternative version of the amendment only provides the better notification. Increasing the minimum separation distance to more than one-half mile will make all existing approved solar farms “nonconforming” which will interfere with the right to make repairs if an already approved PV SOLAR FARM is damaged to more than 50% of replacement value so changes are also proposed to Section 8 Nonconformities. See proposed changes to Zoning Ordinance Section 8.2. }

- (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.
- ~~(b c)~~ 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.
- (d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.

# Exhibit B: Proposed Marked-up Text of Case 945-AT-19

- (e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.
  
- ~~(e f)~~ For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but a communication to any affected municipality at the end of the public hearing is reasonable to ensure good coordination. }

- (e g) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

{NOTE: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is consistent with comments made by some municipal planning staffs and should facilitate consideration by non-home rule municipalities. Note that the same review described above could be added under Section 9.2 Amendments to formalize the review of text amendments. }

- (e h) 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

# Exhibit B: Proposed Marked-up Text of Case 945-AT-19

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.

## 2. Add the following to Section 8.2.3 at the end:

The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM authorized prior to {effective date of this amendment} or PV SOLAR FARM equipment that is in the process of being repaired or replaced.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment makes clear that any recently authorized PV SOLAR FARM that later fails to operate and is in the process of being repaired will not lose its zoning right to operate.}

## 3. Add new Section 8.2.4 as follows:

8.2.4 For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment corrects for that part of Section 8.2 that refers to ‘...a lawful USE of land exists...’ and it makes clear that any recently authorized PV SOLAR FARM may be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit has not expired.}

# Exhibit C: Proposed Marked-up Text of Case 946-AT-19

## 1. Revise Section 6.1.5B.(2) as follows:

- (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
- a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include ~~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.~~

{NOTE: The 11/5/18 letter from non-home rule municipalities requested an increase of the required separation to one-and-one-half miles and better notification to municipalities. Increasing the minimum separation distance to more than one-half mile will make all existing approved solar farms “nonconforming” which will interfere with the right to make repairs if an already approved PV SOLAR FARM is damaged to more than 50% of replacement value so changes are also proposed to Section 8 Nonconformities. See proposed changes to Zoning Ordinance Section 8.2.}

- (b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.
- ~~(b c)~~ 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.
- (d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.

# Exhibit C: Proposed Marked-up Text of Case 946-AT-19

- (e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.
- (~~e~~ f) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but a communication to any affected municipality at the end of the public hearing is reasonable to ensure good coordination. }

- (~~e~~ g) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

{NOTE: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is consistent with comments made by some municipal planning staffs and should facilitate consideration by non-home rule municipalities. Note that the same review described above could be added under Section 9.2 Amendments to formalize the review of text amendments. }

- (~~e~~ h) 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

# Exhibit C: Proposed Marked-up Text of Case 946-AT-19

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.

## 2. Add the following to Section 8.2.3 at the end:

The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM authorized prior to {effective date of this amendment} or PV SOLAR FARM equipment that is in the process of being repaired or replaced.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment makes clear that any recently authorized PV SOLAR FARM that later fails to operate and is in the process of being repaired will not lose its zoning right to operate.}

## 3. Add new Section 8.2.4 as follows:

8.2.4 For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities but is recommended to correct for making recently authorized PV SOLAR FARMS “nonconforming”. This part of the amendment corrects for that part of Section 8.2 that refers to ‘...a lawful USE of land exists...’ and it makes clear that any recently authorized PV SOLAR FARM may be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit has not expired.}

# Exhibit D: Comparison of Mark-ups of Cases 945-AT-19 and 946-AT-19

## Side-by-side comparison of proposed text amendments in Cases 945-AM-19 and 946-AM-19

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

Gray highlight is only difference between the cases

Case 945-AT-19	Case 946-AT-19
<p><b>1. Revise Section 6.1.5B.(2) as follows:</b>                      (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:</p> <p>a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance <u>except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include <del>unless the following is provided:</del></u></p> <p>(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, <del>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.</del></p> <p>(b) <u>The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.</u></p> <p>(bc) 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.</p> <p>(d) <u>Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.</u></p>	<p><b>1. Revise Section 6.1.5B.(2) as follows:</b>                      (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:</p> <p>a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance <u>except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include <del>unless the following is provided:</del></u></p> <p>(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, <del>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.</del></p> <p>(b) <u>The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.</u></p> <p>(bc) 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.</p> <p>(d) <u>Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.</u></p>

# Exhibit D: Comparison of Mark-ups of Cases 945-AT-19 and 946-AT-19

## Side-by-side comparison of proposed text amendments in Cases 945-AM-19 and 946-AM-19

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

**Gray highlight** is only difference between the cases

<p>(e) <u>The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.</u></p> <p>(<del>ef</del>) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.</p> <p>(eg) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.</p> <p>(eh) 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</p>	<p>(e) <u>The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.</u></p> <p>(<del>ef</del>) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.</p> <p>(eg) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.</p> <p>(eh) 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</p>
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# Exhibit D: Comparison of Mark-ups of Cases 945-AT-19 and 946-AT-19

## Side-by-side comparison of proposed text amendments in Cases 945-AM-19 and 946-AM-19

Underline is proposed added language

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<p>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.</p>	<p>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.</p>
<p><b>2. Add the following to Section 8.2.3 at the end:</b>                  The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM authorized prior to <u>effective date of this amendment</u> } or PV SOLAR FARM equipment that is in the process of being repaired or replaced.</p>	<p><b>2. Add the following to Section 8.2.3 at the end:</b>                  The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM authorized prior to <u>effective date of this amendment</u> } or PV SOLAR FARM equipment that is in the process of being repaired or replaced.</p>
<p><b>3. Add new Section 8.2.4 as follows:</b>                  For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to <u>effective date of this amendment</u> }, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be <u>applicable</u>.</p>	<p><b>3. Add new Section 8.2.4 as follows:</b>                  For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to <u>effective date of this amendment</u> }, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be <u>applicable</u>.</p>

# Exhibit E: Proposed Marked-up Text of Case 947-AT-19

*PRELIMINARY DRAFT*

**Case 947-AT-19**

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## PROPOSED AMENDMENT FOR CASE 947-AT-19

1. Delete existing Section 6.1.5 B.(2)b.:
  - (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
    - a. Less than one-and-one-half miles from an incorporated municipality that has 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.
      - (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.
      - (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.

~~b. — Less than one-half mile from the CR Conservation Recreation Zoning District.~~

## 2. Revise Section 6.1.S Q.(4)e. as follows:

- e. The long term corporate debt (credit) rating of the letter of credit issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:
  - (a) The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by **both** Standard & Poor's Financial Services LLC (S&P) and **or** Moody's Investors Service (Moody's).

# Exhibit E: Proposed Marked-up Text of Case 947-AT-19

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## *PRELIMINARY DRAFT*

- (b) The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by Moody’s.
- (c) Notwithstanding the requirements of Section 6.1.5 Q.(4)e.(a)-(b), if the financial institution issuing the letter of credit is headquartered in a municipality within Champaign County, Illinois, an alternative minimum acceptable credit rating shall be a rating of "A-" by the Kroll Bond Rating Agency and shall be verified by the Zoning Administrator.
- (ed) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody’s, or in the case of a financial institution headquartered in a municipality in Champaign County, Illinois, the Kroll Bond Rating Agency is lower than the minimum acceptable long term corporate debt (credit) rating, the letter of credit shall be replaced with a new irrevocable letter of credit from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody’s meets or exceeds the minimum acceptable long term corporate debt (credit) rating.