

Vermilion County, Illinois

Ordinance No. 23-1104

SPG IL Grape Creek Solar LLC

Parcels 28-07-100-019 and 28-07-100-024

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WHEREAS, the Vermilion County Wind and Solar Committee ("Committee") held a public hearing related to the Application of SPG IL Grape Creek Solar LLC on September 18, 2023, at 5:00 pm;

WHEREAS, the Committee heard evidence regarding the Application and made Findings of Fact;

WHEREAS, the Committee determined appropriate conditions related to the Project to protect the health, safety and welfare of the community;

WHEREAS, the Committee has recommended siting approval of the Application of SPG IL Grape Creek Solar LLC for the construction of a 2 MW solar farm approximating 13 acres of land on the above referenced parcels;

WHEREAS, the County finds that the Applicant has materially complied with the requirements of the Solar Siting Ordinance of Vermilion County;

WHEREAS, the County has reviewed the Findings of Fact and Recommended Conditions, attached hereto as Exhibit A and adopts said written Findings of Fact and Conditions as part of its Ordinances;

WHEREAS, the Applicant must submit to the County a request for a building permit prior to the construction of said Commercial Solar Energy Facility; and

WHEREAS, prior to the approval of a building permit for the Project, and during all phases of operation, the County finds that certain conditions are in the best interests of the County and to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT RESOLVED by the Vermilion County Board that the Findings of Fact are well founded and adopted hereto, and that Siting Application of SPG IL Grape Creek Solar LLC is approved subject to conditions and continued compliance with State law and the County's Siting Ordinance.

PRESENTED, APPROVED, and RESOLVED by the County Board of Vermilion County, Illinois at their October 10, 2023, session.

DATED, this 10<sup>th</sup> day of October, 2023.

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# Vermilion County Wind and Solar Committee

## Findings of Fact and Recommendation to Vermilion County Board

**RE: SPG IL Grape Creek Solar LLC Application for Siting Approval of a 2 MW Solar Project Approximating 13.17 acres at 804 W. Main St., Westville, Illinois  
Parcels 28-07-100-019 and 28-07-100-024**

**Date: September 18, 2023**

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### **I. Applicant**

The Applicant for this siting approval is SPG IL Grape Creek Solar LLC and its parent company Solar Provider Group LLC (hereinafter individually or collectively referred to as “Applicant”). The sole officer of Solar Provider Group, LLC is Christian Wentzel. The Applicant is a resident of Toronto, Ontario, Canada. The parcels are owned by Gregory Verderber of Cincinnati, Ohio. The Applicant has a lease in place with the landowner.

### **II. Project Summary**

Applicant proposes to construct and operate a 2 MW AC solar facility at 804 W. Main St., Westville, Illinois (hereinafter “Project”). The Project is proposed on two parcels: 28-07-100-019 and 28-07-100-024. The Project will consist of 5,424 solar panels and will have the ability to power 450 homes annually. The Project has received a 20-year renewable energy credit and an interconnection agreement with Ameren. The village of Westville has determined it does not exercise zoning jurisdiction over the relevant parcels.

Construction of the Project is projected to take 10-15 weeks. It is anticipated that the racking system will be pile driven and that pile driving process will last approximately 2-3 weeks, which will generate noise of approximately 110-135 decibels.

### **III. Application**

The written Application is kept on file with the Vermilion County Board Office located at 201 N. Vermilion St., 2<sup>nd</sup> Floor, Danville, Illinois. All evidence received during the public hearing process is retained at the same office. The publication for the public notice of this Project was done on August 2, 2023 in the Commercial-News, a newspaper of general circulation in the community.

#### **IV. Public Hearing Process**

A public hearing was held pursuant to notice and pursuant to the requirements of 55 ILCS 5/5-12020. The public hearing occurred at the Vermilion County Board Room, 201 N. Vermilion St., 2<sup>nd</sup> Floor, Danville, Illinois. The Application was called for hearing, the Applicant submitted the evidence and was subject to examination by the Vermilion County Wind and Solar Committee (hereinafter "Committee") and members of the public. At the conclusion of the hearing the Committee deliberated as to the issues presented, made Findings of Fact as memorialized herein, provided recommended conditions, and made a Recommendation to the County Board.

#### **V. Applicable Standards**

The Applicable standards for this Committee's consideration are the Siting Ordinance for Commercial Solar Energy Facilities, including the factors so listed below in part VII.

#### **VI. Evidence**

The evidence presented is reflected in record including the audio recording of the proceeding.

#### **VII. Findings of Fact**

The Committee has considered the Ordinance requirements and the facts presented by the developer in its Application and in its presentation during the public hearing.

**1. Height. Shall not exceed twenty feet at maximum tilt of the solar panel(s).**

Applicant has met this criteria.

**2. No CSEF shall be built on any lot less than 5 acres in size.**

Applicant has met this criteria.

**3. Setbacks. The Commercial Solar Energy Facility shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility:**

**- Occupied Community Buildings and Dwellings on Non-participating Properties: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.**

**- Nonparticipating residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.**

**- Boundary line of Participating Property: None.**

**- Boundary lines of Nonparticipating Property: fifty (50) feet to the nearest point on the property line of the nonparticipating property.**

**- Public Road Right of Ways: fifty (50) feet the nearest edge of the public road right-of-way.**

Applicant has met the setback criteria. The setbacks in the Application exceed the requirements above.

- 4. Fencing. A locked fence of at least six (6) feet in height but no greater than twenty-five (25) feet shall enclose the CSEF.**

Applicant has provided a schematic showing a chain link fence to be installed of 6-8 feet surrounding the Project. Accordingly, this criteria has been met.

- 5. Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.**

No lighting is planned for the Project.

- 6. Noise. Noise levels measured at the property line shall comply with standards set out by the Illinois Pollution Control Board. Noise levels may be enforced by Vermilion County, or any other regulatory body.**

Noise levels for inverters is approximately 59.2 decibels per applicant's submission. The Applicant did not provide a noise study, however, this is an operational requirement and will need to be met once the operation of the Project begins.

- 7. Installation and Design. The CSEF shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent highways. Placement of the generator or noise producing electrical equipment shall be placed at the center of the project to the extent practical.**

The Project should product only negligible amounts of glare and screening should effectively reduce glare to adjacent or nearby areas.

- 8. All wiring between solar panels and the solar farm facility substation shall be underground whenever possible.**

All power and communications systems shall be buried. The Applicant has met this criteria.

- 9. Outdoor Storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.**

No outdoor storage is anticipated.

- 10. Proof an Agricultural Impact Mitigation Agreement (AIMA) has been executed with the Illinois Department of Agriculture. Failure comply with the Agricultural Mitigation Agreement and statute at 505 ILCs 147/15 et. seq. shall be a violation of this ordinance. Pursuant to 70 ILCS 405/22.02a an appropriate impact study shall be required as set out in the statutory Agricultural Mitigation Agreement which is incorporated herein as part of this ordinance.**

A fully executed AIMA is a part of Applicant's application and accordingly, this criteria has been met.

- 11. Building Codes. All state, and national construction codes shall be followed. For purposes of this ordinance, the County adopts the National Electric Code and International Building Code as amended from time to time. All building materials must comply with recognized industry standards.**

Applicant shall meet the National Electric Code and International Building Code. Accordingly, this criteria has been met.

**12. Vegetation and Ground Cover and Weed Control. Any weed control or planting of vegetation shall prevent Palmer, Amaranthus, and Conyza weed species, and other weed species that, at the time of application, are resistant to agricultural herbicides that are commonly used in Illinois. Any weed control or planting of vegetation shall also be certified to be in compliance with the Noxious Weed Act, 505 ILCS 100/1 et. seq., to prevent importation of noxious weeds or harmful vegetation. No soil sterilant shall be permitted on a solar site.**

Facility Owner shall install a Pollinator friendly habitat which shall be maintained in compliance with the Illinois Department of Natural Resources Solar Site Pollinator guidelines.

Facility Owner shall install a living buffer of evergreen trees that must be planted and maintained during the duration of the lifetime of the CSEF beginning with the commercial operation date. During the Siting Application process, the County shall determine the species of evergreens to be planted, the spacing and number of rows to be utilized. Upon decommissioning it shall be the landowners discretion whether the vegetation screening shall remain. Earth berms or other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements if they conceal the use from public view and are maintained.

A vegetation, groundcover and weed control plan has been submitted as Schedule I to the Application. The Applicant has met the criteria, subject to the conditions of required evergreens to be planted, spacing and number of rows to be utilized.

- 13. All drainage tiles shall be repaired or restored to same or better condition as when the project began. There will be an inspection for compliance by an independent inspector chosen by Vermilion County and paid for by the owner/operator. During construction or operation, any damage to drainage systems shall be repaired by the Facility Owner or Operator. Such repair shall be initiated within 30 days of Facility Owner or Operator being informed of such damage. All repairs shall be performed by a contractor with offices or facilities in Vermilion County, unless such contractor is unable to perform required repairs within the proscribed time period.**

This is an operational requirement and Applicant has indicated it will meet this requirement.

- 14. JULIE shall be contacted before digging or excavation begins.**

This is an operational requirement and Applicant has indicated it will confer with JULIE prior to any excavation or piling begins.

- 15. Local drainage districts, if any, shall be contacted prior to any development on the project site to locate drainage district tiles.**

A drain tile survey has been submitted as Schedule A to the Application. In addition, Applicant undertook significant steps in contacting the relevant drainage districts.

- 16. Annual review and reporting.**

**The applicant, owner, and/or operator of an CSEF project shall submit to the Vermilion County Board Office on the first Monday of July of each year following CSEF project approval a report regarding CSEF maintenance and operation.**

The annual review and report requirements are operational in nature. Subject to the annual review, Applicant has committed to compliance with this criteria.

- 17. Application Requirements:**

**A written summary of the project including a general description of the project, including its nameplate generating capacity.**

**The name(s), address(s), and phone number(s) of the owner and/or CSEF operator.**

**A site plan of the CSEF site showing:**

- **Boundaries of the site.**
- **All proposed CSEF structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines**
- **Property lines.**
- **Setback lines.**
- **The location of any known subsurface drainage tiles, and a statement describing attempts made to do tile surveys and to otherwise discover the location of drainage tile locations.**
- **Identification of any flood zone areas within the project boundaries.**
- **Location of all existing structures with their uses identified.**
- **Wetland location, if any.**
- **Septic systems.**
- **Wells.**
- **Existing easements, if any.**

**Proof of compliance with this solar ordinance and also proof of compliance with an erosion study by the Soil and Water Conservation District as defined under 70 ILCS 405/22.02a, and fully executed Agricultural Mitigation Agreement statute at 505 ILCS 147/15 et. seq.**

**A commercial solar energy facility owner shall provide:**

- **the results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and**
- **the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Guidelines", if any, and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.**
- **Proof of compliance where required by the County of the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.**

**As part of the Application process, Applicant has provided the requisite information required of this portion of the ordinance and has met the criteria of paragraph 17.y**

**18. The county may require a facility owner to:**

**(a) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or**

**(b) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.**

The solar farm is not within any protected zone. Applicant has met this criteria.

**19. The county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.**

See Schedule N. Applicant has met this criteria.

**20. Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the CSEF project area. Any specialized training necessary will be provided at the operator's expense and shall be in person with all local emergency response personnel.**

Applicant has provided Schedule D, an emergency plan. Applicant has met this criteria and is willing to provide specialized training to local fire districts which may respond.

**21. All other information as may be requested by the Wind and Solar Committee.**

N/A at this time.

**22. At the sole discretion of the Wind and Solar Committee with the consent of, or at the direction of, the County Board Chairman, if an independent engineering or consulting report is required to resolve any disputes, it shall be the responsibility of the applicant to pay for such engineer or consultant, provided however that the County shall consult with the applicant and attempt to resolve any issue prior to incurring any costs.**

N/A at this time.

**23. During the public hearing process Applicant shall provide competent evidence that the CSEF will comply with all requirements of this Ordinance, all state and federal laws, rules and regulations.**

See above.

**24. Evidence of the financial ability of the Applicant and/ or Facility Owner to complete and operate the CSEF.**



Applicant provided Schedule O. Applicant has met this criteria.

## **25. Decommissioning Plan**

Applicant has provided Schedule C, a Decommissioning Plan. Accordingly, Applicant has met this criteria. Estimated decommissioning cost is approximately \$223,000.

## **26. Application of Siting Factors:**

**The factors used to analyze and consider the application shall be this ordinance, relevant state and federal laws and regulations, and the below listed factors:**

### **1. The existing uses and, where applicable, zoning of nearby property;**

The nearby properties are compatible with the utilization of the property as a solar farm. There are residential properties nearby, however, the Applicant has complied with the requisite setback requirements. Agricultural will not be impeded by the utilization of a solar array on these two parcels. Most the neighboring properties are in row crop production.

### **2. The extent to which property values are diminished;**

Applicant's submission indicated there could be a drop in property values related to large scale solar farms (approx.. 1.5%), which are those of 10 MW or greater. Other studies referenced by the applicant shows a small increase in property values.

### **3. The extent to which the destruction of property value promotes the health, safety, morals, or general welfare of the public;**

There does not appear to be a significant impact on property values, based on the evidence submitted. The Application reflects a minimal Project that should not have an adverse impact on health, safety, morals or general welfare. There is renewable energy being produced with setbacks and sound limitations being enforced with a vegetative buffer to reduce view impacts on surrounding properties.

### **4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner;**

There is a potential to reduce electric bills for local residents and the provision of pollinator friendly habitat. The solar panels are pollution free.

### **5. The suitability of the subject property for the planned purposes;**

The subject property is currently in agricultural use and is well suited for its size, shape and topography to host a solar array.

**6. The length of time the property has been vacant as currently utilized considered in the context of land development in the area;**

The property is not vacant. Accordingly, this criteria is not applicable.

**7. The care with which the community has undertaken to plan its land-use development;**

Applicant has satisfied this requirement with a Project compliant with the requirements of the Ordinance, which has been developed over the course of numerous meetings and input from the public.

**8. The community need for the use proposed by the applicant;**

While perhaps not necessary, the Project does hold the possibility of reducing energy costs of local residents. To the extent such cost reductions are needed, this aspect is met as a community need.

**9. The impact on wildlife and wildlife habitat; and**

The consultations with the US Fish and Wildlife Service, and Illinois Department of Natural Resources indicate the impact on wildlife and wildlife habitat will be minimal.

**10. The impact on drainage facilities and public property**

Applicant has performed a drain tile survey (Schedule A). The Applicant is required to fix all drain tile damage that occurs pursuant the AIMA and the provisions of 55 ILCS 5/5-12020.

**VIII. Recommendation**

NOW, THEREFORE, BE IT RESOLVED by the Vermilion County Wind and Solar Committee that based on the written application, the testimony, and other evidence submitted during the hearing, the Vermilion County Wind and Solar Committee RECOMMENDS approval of the Siting Permit Application of SPG IL Grape Creek Solar LLC, subject to conditions as attached hereto.

PASSED, ADOPTED, AND APPROVED BY THE Vermilion County Wind and Solar Committee on this 18<sup>th</sup> day of September 2023.

\_\_\_\_\_  
Chairman

ATTEST:  
  
\_\_\_\_\_  
Secretary

\*\*\* END OF DOCUMENT \*\*\*

Vermilion County, Illinois

Conditions

SPG IL Grape Creek Solar LLC

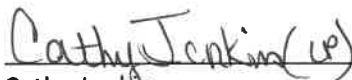
Parcels 28-07-100-019 and 28-07-100-024

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The below conditions shall apply to the construction and operation of SPG IL Grape Creek Solar LLC's construction of a Commercial Solar Energy Facility:

1. Prior to the commencement of construction of the Commercial Solar Energy Facility ("Project), the Applicant shall obtain a building permit from Vermilion County ("County").
2. Prior to the commencement of construction, the Applicant shall enter into a Road Use Agreement with the County, if the County Engineer determines that said Road Use Agreement is necessary for the protection of County roads.
3. Prior to the commencement of construction, the Applicant shall enter into a Decommissioning Agreement with the County.
4. During the construction phase of the Project, the Applicant shall provide a website informing the public of the hours of construction, routes of anticipated traffic of construction equipment or materials, and any expected traffic impacts.
5. During all phases of operation, the Applicant is not permitted to include battery storage or energy storage at the site.
6. During all construction, hours of work at the site shall be limited to the hours of 7:00 am and 7:00 pm.
7. During the driving of pilings, hours of work shall be limited to the hours of 8:00 am and 5:00 pm.
8. Applicant shall comply with all recommendations of the Illinois Department of Natural Resources, if any.
9. The Siting Approval is limited to a duration of 35 years from the date of Commercial Operation.
10. The Project shall provide vegetative screening as reflected in the Application and public hearing of this Project. Applicant shall include additional vegetative screening beginning at the Northwest corner of the Project and extending southward along the western edge of the Project to the proposed location for the utility interface transformer, inverters and electrical equipment as depicted on the proposed site plan in the Application. Said vegetative screening shall be maintained throughout the life of the Project.
11. County shall conduct an annual safety inspection. The inspection shall be performed by a third-party of the County's choosing and the costs of such inspection shall be reimbursed by the Applicant. The results of the inspection shall be provided to the County and the Applicant.

\*\*\* END OF DOCUMENT \*\*\*



Cathy Jenkins  
Vermilion County Clerk



Larry Baughn Jr.  
Vermilion County Board Chairman