



AGENDA
McLEAN COUNTY ZONING BOARD OF APPEALS
Tuesday, September 4, 2018
Room 400, Government Center
115 East Washington Street, Bloomington, IL

CALL TO ORDER BY CHAIR

ROLL CALL BY SECRETARY AND DECLARATION OF A QUORUM

APPROVAL OF MINUTES

APPEARANCE BY MEMBERS OF THE PUBLIC *(An opportunity is provided for members of the public to address the public officials on matters not listed below. Public comment will not exceed 20 minutes. Each member of the public will be allowed 3 minutes of commentary.)*

7:00 P.M. - Case SU-18-17, an application of application of Michael and Katherine Owen, in case SU-18-17 on parcel 19-08-100-010. They are requesting a special use to allow a single family residence in the Agriculture District on land unsuitable for farming on land in Allin Township at 12676 N 150 East Rd., Stanford, IL. This is a recommendation to the County Board.

7:10 P.M. - Case SU-18-18, an application of Heyworth Renewables I, LLC by Nexamp, Inc., in case SU-18-18 on parcel 35-10-100-006. It is requesting a special use to allow a Solar Power Generating Facility in the Agriculture District; on property in Randolph Township immediately south of 100 North Rd. approximately .45 miles east of U.S. Highway 51. This is a recommendation to the County Board.

7:20 P.M. - Case SU-18-19, an application of Heyworth Renewables II, LLC by Nexamp, Inc., in case SU-18-19 on parcel 35-10-100-006. It is requesting a special use to allow a Solar Power Generating Facility in the Agriculture District; on property in Randolph Township immediately south of 100 North Rd. approximately .45 miles east of U.S. Highway 51. This is a recommendation to the County Board.

7:40 P.M. - Case SU-18-20, an application of ASD McLean IL Solar II, LLC by Amp Solar Development, Inc. in case SU-18-20 on parcel 21-22-326-003. It is requesting a special use to allow a Solar Power Generating Facility in the Agriculture District; on property in Bloomington Township at 2906 Hendrix Dr., Bloomington, IL. This is a recommendation to the County Board.

8:00 P.M. - Case SU-18-21, an application of ASD McLean IL Solar III, LLC by Amp Solar Development, Inc. in case SU-18-21 on parcels 21-27-351-002, 21-27-352-002, 21-34-100-002, 21-34-100-005 & 21-34-100-010. It is requesting a special use to allow a Solar Power Generating Facility in the Agriculture District; on property located in Bloomington Township immediately south of 925 North Rd. approximately .60 miles east of U.S. Highway 51. This is a recommendation to the County Board.

DISCUSSION OF PETITIONS

NEXT MEETING DATE – 7:00 P.M., October 2, 2018

ADJOURNMENT

RECORD OF MINUTES

McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, August 7, 2018

Room 400, Government Center

115 E. Washington Street, Bloomington, Illinois

1. **ROLL CALL:** Secretary Philip Dick called the roll and noted the presence of a quorum as follows: Julia Turner, Rick Dean, Drake Zimmerman, Brian Bangert and Chris Carlton (Alternate Member). Members James Finnigan, Michael Kuritz and Marc Judd were absent. Also present were Darrell Mitchell, Zoning Enforcement Officer, Luke Hohulin, Assistant County Engineer, William Wasson, County Administrator and Samantha Walley, Assistant State's Attorney.

2. **CALL TO ORDER:** Motion was made by Dean/Zimmerman to appoint Julia Turner as Acting Chair.

The roll call vote was five members for the motion to approve, none opposed and Members James Finnigan, Michael Kuritz and Marc Judd were absent.

Julia Turner called the meeting to order at 7:05 PM.

3. **APPROVAL OF MINUTES:** Motion was made by Zimmerman/Bangert to approve the minutes from the July 3, 2018 Zoning Board of Appeals meeting.

The roll call vote was five members for the motion to approve, none opposed and Members James Finnigan, Michael Kuritz and Marc Judd were absent.

4. **APPEARANCE BY MEMBERS OF THE PUBLIC:** No one came forward to speak on matters not on the agenda.

5. **REGULAR AGENDA:**

Case ZV-18-04, application of Kevin DeWerff, in case ZV-18-04 on parcel 22-32-329-007. He is requesting a variance in side wall height limits to allow height of sidewalls in a detached accessory building to be 14 feet rather than 12 feet as allowed in the R-1 Single Family Residence District; on property located in Old Town Township at 8227 Idlewood Dr., Bloomington, IL.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated the seven standards for a variance are met, and the staff recommended approval of the application.

Kevin DeWerff, 8227 Idlewood Dr., Bloomington, IL, appeared to give testimony and was sworn. Mr. DeWerff indicated that he agrees with the staff report and that he needs the shed to preserve his boat.

The board reviewed and discussed the seven standards for variances and found them met.

Motion was made by Dean/Bangert to approve case ZV-18-04.

The roll call vote was five members for the motion to approve, none opposed and Members James Finnigan, Michael Kuritz and Marc Judd were absent.

A verbatim transcript is being prepared for the following five cases and therefore no other minutes are provided: Case SU-18-11, an application of Heyworth Solar, LLC

by Geronimo Energy; Case SU-18-14, an application of Towanda Solar, LLC by Cypress Creek Renewables; Case SU-18-15, an application of ASD McLean IL Solar I, LLC by Amp Solar Development, Inc.; Case SU-18-16, an application of ASD McLean IL Solar II, LLC by Amp Solar Development, Inc.; and Case ZV-18-05, an application of ASD McLean IL Solar III, LLC by Amp Solar Development, Inc.

6. ADJOURNMENT:

The Chair declared the meeting adjourned at 12:29 AM.

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-18-17

1. REFERENCE:

- a. Hearing date: September 4, 2018
- b. Applicants' names and address: Michael and Katherine Owen, P.O. Box 145, Stanford, IL 61774
- c. Land owners' names and address: Same

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: 12676 N 150 East Rd., Stanford, IL 61774
- b. Township: Allin Township
- c. Parcel Number: 19-08-100-010
- d. Existing zoning: Agriculture District
- e. Applicant request: For a special use to allow a single family residence in the Agriculture District on land unsuitable for farming
- f. Existing land use: Farm buildings and pasture

3. DIMENSIONS:

- a. Size of Parcel: 3.53 acres
- b. Road Frontage: 481 feet on the west side of 150 East Road

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To the southwest
- c. Vegetation: Grass and trees
- d. Public Road: Oil and chip 17 feet in width

5. SURROUNDING ZONING: Agriculture District on all sides

6. SURROUNDING LAND USE:

- a. North: Crop production
- b. South: Crop production
- c. East: Crop production
- d. West: Crop production

- 7. RESIDENTIAL USES:** Article 5 Section 350-35.G provides for methods to allow new single family residences in the Agriculture District as permitted uses or as special uses based on the following three criteria: (1) if the residential use is found to be necessary for the conduct of agriculture in the area; (2) if the lot is found to be undesirable for other uses permitted in the district; or (3) if constructed on a lot set aside from a tract of land, the principal use of which is agriculture, provided that such dwelling is initially occupied by a child, parent or spouse of the owner of the original agricultural tract from which such lot is set aside for residential purposes.

This application is filed under the 2nd criteria; the lot is found to be undesirable for other uses permitted in the district.

8. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **94** points out of a maximum possible evaluation score of **100** points.
McLean County Building and Zoning Department staff report on site assessment for the subject site:
- b. Site Assessment -- Score of **159** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **253 points** out of a maximum of **300** points.

EVALUATION RESULT:

The LESA Report indicates that a total score that is between **230 and above points** means that the property is of **very high** value for agricultural land protection.

9. **STAFF ANALYSIS:** The analysis of the seven standards listed in Article VIII Section 350-56 of the McLean County Code (Standards for Special Use Permits) as they apply to this zoning request is as follows:
 1. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. The 3.53-acre property is a former farmstead composed of mature trees, grasses, agricultural buildings and has not been used for crop production.
 2. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The 3.53-acre property is a former farmstead. Nearby property that is currently used for crop production will continue to be desirable for such use.
 3. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** Nearby land that is suitable for crop production will continue to be suitable for such use.
 4. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The proposed dwelling will be served by private well and septic system approved by the County Health Department. The property has 481 feet of frontage on the west side of 150 East Road.
 5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe sight distance can be provided for at the existing entrance. The Allin Township Road Commissioner will need to approve use of the existing entrance for the proposed residence.
 6. **The establishment, maintenance and operation of the special use will be in conformance with the preamble to the regulations of the Agriculture District.** This standard is met.
 7. **The proposed special use, in all other respects, conforms to the applicable regulations of the Agriculture District.** This standard is met.

10. CONCLUDING OPINION:

Staff recommends that this application meets all of the standards set forth in Article VIII Section 350-56 (Standards for Special Use Permits).

Respectfully submitted,

A handwritten signature in black ink that reads "Philip Dick". The signature is written in a cursive, flowing style.

Philip Dick, AICP, Director

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-18-18

1. REFERENCE:

- a. Hearing date: September 4, 2018
- b. Applicant's name and address: Heyworth Renewables I, LLC by Nexamp, Inc., 4 Liberty Square, Boston, MA 02019
- c. Land owner's name and address: Edward Kolb, 3709 Helen Dr., Bloomington, IL 61704

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: Immediately south of 100 North Rd. approximately .45 miles east of U.S. Highway 51
- b. Township: Randolph Township
- c. Parcel Number: 35-10-100-006
- d. Existing zoning: A-Agriculture District
- e. Applicant request: For a special use to allow a 2-Megawatt Solar Power Generating Facility in the Agriculture District – this project is being submitted concurrently with a similar 2-Megawatt Solar Power Generating facility on the same parcel that is located south of this request
- f. Existing land use: Crop production

3. DIMENSIONS:

- a. Size of Parcel: 101 acres
- b. Road Frontage: Approximately 1,180 feet on the south side of 100 North Road

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To a waterway that runs southeast through the property
- c. Vegetation: Crop production
- d. Public Road: 100 North Road is oil and chip 17 feet in width

5. SURROUNDING ZONING: Agriculture District on all sides

6. SURROUNDING LAND USE:

- a. North: Crop production and a single family dwelling
- b. South: Crop production
- c. East: Crop production and a single family dwelling
- d. West: Crop production and a single family dwelling

7. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **89.78** points out of a maximum possible evaluation score of **100** points.

McLean County Building and Zoning Department staff report on site assessment for the subject site:

- b. Site Assessment -- Score of **162** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **251.78 points** out of a maximum of **300** points.

EVALUATION RESULT:

The LESA Report indicates that a total score of **230 points and above** means that the property is of **very high** value for agricultural land protection.

8. **STAFF ANALYSIS:** The analysis of the seven standards listed in Article VIII Section 350-56 of the McLean County Code (Standards for Special Use Permits) as they apply to this zoning request is as follows:

- a. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. The applicant proposes to establish a 2-megawatt solar power generating facility on this property, which will meet all of the County setback requirements and use standards for a solar power generating facility.

The application indicates that this facility will contain rows of Photovoltaic (PV) cell panels mounted on posts set in the ground. These rows of panels are referred to as "solar arrays". Nexamp Solar Energy Solutions will mount the solar arrays on a tracking system, which allows them to follow the sun throughout the day. The solar arrays will be designed with an anti-reflective coating. The applicant indicates the solar arrays will be a maximum 12 feet in height.

The applicant submitted an EcoCAT communication from the Illinois Department of Natural Resources which indicates that there is no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves or registered Land and Water Reserves in the vicinity of the project location.

A decommissioning plan that includes an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture and financial assurance acceptable to the County need to be provided.

A contact person for the applicant will need to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.


The applicant has submitted a letter to the Illinois Historic Preservation Agency.

- b. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The proposed solar farm is surrounded by land in crop production, which will continue to be desirable for such use. Ground cover that encourages pollination, recommended by the McLean County Soil and Water Conservation District, will need to be installed. The solar arrays will be designed with an anti-reflective coating.
- c. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. Nearby property that is currently in crop production will continue to be desirable for such use.

- d. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The property has approximately 1,180 feet on the south side of 100 North Road. The Randolph Township Fire District will provide fire protection for the subject property. Pre-development drainage patterns will be retained as much as possible. The applicant will provide certified plans for storm water detention/retention before a permit is issued for the proposed solar power generating facility. The applicant will need to have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm. The applicant has obtained a signoff from the County Health Department.
 - e. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe site distance can be provided at the proposed entrance. The applicant has been in communication with the County Highway Department and the Randolph Township Road Commissioner about creating a road use agreement for the proposed solar farm before an entrance permit would be obtained.
 - f. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met. The preamble states "Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are such a nature that their location away from residential, commercial and industrial areas is most desirable".
 - g. **The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.** This standard is met. According to the Zoning Ordinance, "The Land Evaluation and Site Assessment (LESA) System has been designed to provide a rational process for assisting local officials in making farmland conversion decisions through the local zoning process." Although this property has a high LESA score, the applicant indicates that it is committed to landscaping best practices that stabilize the soil to add strength and durability for the long-term success of the project and health of the land; native grasses will be grown and maintained on the site; and the prime soils will be preserved as long as the Solar Power Generating Facility is operational. After the subject property is returned to its original condition, as required by the Zoning Ordinance, the land can be returned to crop production. It was reported that up to 35% of corn grown in McLean County was used to make ethanol. Harvesting the sun to produce electricity in the Agriculture District with solar farms is similar, and another way to produce significant value from farmland in addition to producing corn and soybean crops.
9. **CONCLUDING OPINION:** Staff recommends that this application meets all of the standards set forth in Article VIII Section 350-56 (Standards for Special Use Permits), provided compliance with the following stipulations:
- 1) An entrance permit shall be obtained from the Randolph Township Road Commissioner before a construction permit is issued.

- 2) The applicant shall provide certified plans for storm water detention/retention before a construction permit is issued.
- 3) The applicant shall complete consultation with the Illinois Historic Preservation Agency before a construction permit is issued.
- 4) The applicant shall have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm.
- 5) The solar panels shall be installed with an anti-reflective coating.
- 6) Groundcover that encourages pollination that is recommended by the McLean County Soil and Water Conservation District needs to be installed.
- 7) A contact person for the applicant will need to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.
- 8) As a condition of receiving a permit from the County, the company must pay the cost of hiring an Illinois registered professional engineer to provide a certified estimate of decommissioning costs. The company shall provide decommissioning security financing for the estimated cost of decommissioning in the amount determined by the engineer or \$50,000 (\$25,000 per megawatt), whichever is greater. Security financing must be in the form of an irrevocable letter of credit or a cash escrow, unless the County Board, in its sole discretion, agrees to accept a performance bond. The decommissioning cost estimate will be reviewed and revised when needed, but estimate review must occur at least every ten years.
- 9) The company must provide an Agricultural Impact Mitigation Agreement signed by the company and the Illinois Department of Agriculture prior to the issuance of a permit to construct from the County, and must certify that it will comply with all of the terms of the Agreement. Nothing in the Agricultural Impact Mitigation Agreement will preclude the County from establishing any standards that exceed those contained in the Agreement.
- 10) Development shall follow the plans and documents submitted with the application and with Zoning Regulations including Article VI Section 350-43.00 (3) (Use Standards for a solar power generating facility).

Respectfully submitted,



Philip Dick, AICP, Director

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-18-19

1. REFERENCE:

- a. Hearing date: September 4, 2018
- b. Applicant's name and address: Heyworth Renewables II, LLC by Nexamp, Inc.,
4 Liberty Square, Boston, MA 02019
- c. Land owner's name and address: Edward Kolb, 3709 Helen Dr., Bloomington, IL
61704

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: Immediately south of 100 North Rd. approximately .45 miles
east of U.S. Highway 51
- b. Township: Randolph Township
- c. Parcel Number: 35-10-100-006
- d. Existing zoning: A-Agriculture District
- e. Applicant request: For a special use to allow a 2-Megawatt Solar Power Generating
Facility in the Agriculture District – this project is being submitted concurrently with a
similar 2-Megawatt Solar Power Generating facility on the same parcel that is located
north of this request
- f. Existing land use: Crop production

3. DIMENSIONS:

- a. Size of Parcel: 101 acres
- b. Road Frontage: Approximately 1,180 feet on the south side of 100 North Road

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To a waterway that runs southeast through the property
- c. Vegetation: Crop production
- d. Public Road: 100 North Road is oil and chip 17 feet in width

5. SURROUNDING ZONING: Agriculture District on all sides

6. SURROUNDING LAND USE:

- a. North: Crop production
- b. South: Crop production
- c. East: Crop production
- d. West: Crop production

7. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **89.78** points out of a maximum possible evaluation score of **100**
points.

McLean County Building and Zoning Department staff report on site assessment for
the subject site:

- b. Site Assessment -- Score of **162** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **251.78 points** out of a maximum of **300** points.

EVALUATION RESULT:

The LESA Report indicates that a total score of **230 points and above** means that the property is of **very high** value for agricultural land protection.

8. **STAFF ANALYSIS:** The analysis of the seven standards listed in Article VIII Section 350-56 of the McLean County Code (Standards for Special Use Permits) as they apply to this zoning request is as follows:

- a. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. The applicant proposes to establish a 2-megawatt solar power generating facility on this property, which will meet all of the County setback requirements and use standards for a solar power generating facility.

The application indicates that this facility will contain rows of Photovoltaic (PV) cell panels mounted on posts set in the ground. These rows of panels are referred to as "solar arrays". Nexamp Solar Energy Solutions will mount the solar arrays on a tracking system, which allows them to follow the sun throughout the day. The solar arrays will be designed with an anti-reflective coating. The applicant indicates the solar arrays will be a maximum 12 feet in height.

The applicant submitted an EcoCAT communication from the Illinois Department of Natural Resources which indicates that there is no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves or registered Land and Water Reserves in the vicinity of the project location.

A decommissioning plan that includes an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture and financial assurance acceptable to the County need to be provided.

A contact person for the applicant will need to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.

The applicant has submitted a letter to the Illinois Historic Preservation Agency.

- b. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The proposed solar farm is surrounded by land in crop production, which will continue to be desirable for such use. Ground cover that encourages pollination, recommended by the McLean County Soil and Water Conservation District, will need to be installed. The solar arrays will be designed with an anti-reflective coating.
- c. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. Nearby property that is currently in crop production will continue to be desirable for such use.

- d. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The property has approximately 1,180 feet on the south side of 100 North Road. The Randolph Township Fire District will provide fire protection for the subject property. Pre-development drainage patterns will be retained as much as possible. The applicant will provide certified plans for storm water detention/retention before a permit is issued for the proposed solar power generating facility. The applicant will need to have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm. The applicant has obtained a signoff from the County Health Department.
- e. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe site distance can be provided at the proposed entrance. The applicant has been in communication with the County Highway Department and the Randolph Township Road Commissioner about creating a road use agreement for the proposed solar farm before an entrance permit would be obtained.
- f. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met. The preamble states "Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are such a nature that their location away from residential, commercial and industrial areas is most desirable".
- g. **The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.** This standard is met. According to the Zoning Ordinance, "The Land Evaluation and Site Assessment (LESA) System has been designed to provide a rational process for assisting local officials in making farmland conversion decisions through the local zoning process." Although this property has a high LESA score, the applicant indicates that it is committed to landscaping best practices that stabilize the soil to add strength and durability for the long-term success of the project and health of the land; native grasses will be grown and maintained on the site; and the prime soils will be preserved as long as the Solar Power Generating Facility is operational. After the subject property is returned to its original condition, as required by the Zoning Ordinance, the land can be returned to crop production. It was reported that up to 35% of corn grown in McLean County was used to make ethanol. Harvesting the sun to produce electricity in the Agriculture District with solar farms is similar, and another way to produce significant value from farmland in addition to producing corn and soybean crops.

9. **CONCLUDING OPINION:** Staff recommends that this application meets all of the standards set forth in Article VIII Section 350-56 (Standards for Special Use Permits), provided compliance with the following stipulations:

- 1) An entrance permit shall be obtained from the Randolph Township Road Commissioner before a construction permit is issued.

- 2) The applicant shall provide certified plans for storm water detention/retention before a construction permit is issued.
- 3) The applicant shall complete consultation with the Illinois Historic Preservation Agency before a construction permit is issued.
- 4) The applicant shall have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm.
- 5) The solar panels shall be installed with an anti-reflective coating.
- 6) Groundcover that encourages pollination that is recommended by the McLean County Soil and Water Conservation District needs to be installed.
- 7) A contact person for the applicant will need to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.
- 8) As a condition of receiving a permit from the County, the company must pay the cost of hiring an Illinois registered professional engineer to provide a certified estimate of decommissioning costs. The company shall provide decommissioning security financing for the estimated cost of decommissioning in the amount determined by the engineer or \$50,000 (\$25,000 per megawatt), whichever is greater. Security financing must be in the form of an irrevocable letter of credit or a cash escrow, unless the County Board, in its sole discretion, agrees to accept a performance bond. The decommissioning cost estimate will be reviewed and revised when needed, but estimate review must occur at least every ten years.
- 9) The company must provide an Agricultural Impact Mitigation Agreement signed by the company and the Illinois Department of Agriculture prior to the issuance of a permit to construct from the County, and must certify that it will comply with all of the terms of the Agreement. Nothing in the Agricultural Impact Mitigation Agreement will preclude the County from establishing any standards that exceed those contained in the Agreement.
- 10) Development shall follow the plans and documents submitted with the application and with Zoning Regulations including Article VI Section 350-43.OO (3) (Use Standards for a solar power generating facility).

Respectfully submitted,



Philip Dick, AICP, Director

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-18-20

1. REFERENCE:

- a. Hearing date: September 4, 2018
- b. Applicant's name and address: ASD McLean IL Solar II, LLC by Amp Solar Development, Inc., 55a Port St E, Port Credit, ON, Canada
- c. Land owner's name and address: John Capodice, 10245 N 1530 East Rd., Bloomington, IL 61705

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: 2906 Hendrix Dr., Bloomington, IL.
- b. Township: Bloomington Township
- c. Parcel Number: 21-22-326-003
- d. Existing zoning: A-Agriculture District
- e. Applicant request: For a special use to allow a Solar Power Generating Facility in the Agriculture District
- f. Existing land use: Single-family residence, outbuildings and crop production

3. DIMENSIONS:

- a. Size of Parcel: 29 acres
- b. Road Frontage: 500 feet on the east side of Hendrix Dr.

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To the south
- c. Vegetation: Crop production and pasture
- d. Public Road: Oil and chip 12.5 feet in width

5. SURROUNDING ZONING: A-Agriculture District on all sides

6. SURROUNDING LAND USE:

- a. North: Single-family residences
- b. South: Single-family residences across Interstate I-74
- c. East: Crop production
- d. West: Single-family residences

7. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **83** points out of a maximum possible evaluation score of **100** points.

McLean County Building and Zoning Department staff report on site assessment for the subject site:

- b. Site Assessment -- Score of **112** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **195 points** out of a maximum of **300** points.

EVALUATION RESULT:

The LESA Report indicates that a total score of **219 points and below** means that the property is of **low** value for agricultural land protection.

8. **STAFF ANALYSIS:** The analysis of the seven standards listed in Article VIII Section 350-56 of the McLean County Code (Standards for Special Use Permits) as they apply to this zoning request is as follows:

- a. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. The applicant proposes to establish a 2-megawatt solar power generating facility on this property, which will meet all of the County setback requirements and use standards for a solar power generating facility.

The application indicates that this facility will contain rows of Photovoltaic (PV) cell panels mounted on posts set in the ground. These rows of panels are referred to as “solar arrays”. Amp Solar Development will mount the solar arrays on a tracking system, which allows them to follow the sun throughout the day. The solar arrays will be designed with an anti-reflective coating. The applicant indicates the solar arrays will be a maximum 15 feet in height.

The proposed solar panels will be located 189 feet from the north property line, and staggered coniferous and deciduous trees will be planted along the north property line to provide a screen for nearby residences. Coniferous trees will be a minimum of 8 feet in height at planting. Deciduous trees will be a minimum of 12 feet in height at planting.

The applicant submitted an EcoCAT communication from the Illinois Department of Natural Resources which indicates that there is no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves or registered Land and Water Reserves in the vicinity of the project location, and that the consultation is terminated.

A decommissioning plan that includes an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture and financial assurance acceptable to the County need to be provided.

The application indicates that the parent company will provide a contact person to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.

The applicant has conducted a search of the Illinois Historical Preservation Agency’s Architectural Resources Geographic information System.

- b. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The electrical transformers for the facility, the part of the facility that creates a humming noise, will be located approximately 900 feet from the nearest residence and not likely heard by nearby residents. The proposed solar panels will be located 189 feet from the north property line, and staggered coniferous and deciduous trees will be planted along the north property line to provide a screen for nearby residences.

Nearby property in residential use will continue to be desirable for such use, and nearby land in crop production will continue to be desirable for such use. Ground cover that includes native species, encourages pollination, recommended by the McLean County Soil and Water Conservation District, will need to be installed.

- c. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. Nearby property in residential use will continue to be desirable for such use, and nearby land in crop production will continue to be desirable for such use.
- d. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The property has approximately 500 feet of frontage on the east side of Hendrix Drive. The Bloomington Township Fire District will provide fire protection for the subject property. Pre-development drainage patterns will be retained as much as possible. The applicant will provide certified plans for storm water detention/retention before a permit is issued for the proposed solar power generating facility. The applicant will need to have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm. The applicant has obtained a signoff from the County Health Department.
- e. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe site distance can be provided at the proposed entrance. The applicant has been in communication with the Bloomington Township Road Commissioner and will need to obtain an entrance permit from him before a construction permit will be issued for the proposed solar farm.
- f. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met. The preamble states "Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are such a nature that their location away from residential, commercial and industrial areas is most desirable".
- g. **The proposed special use, in all other respects, conforms to the applicable regulations of the Agriculture District.** This standard is met.

9. **CONCLUDING OPINION:** Staff recommends that this application meets all of the standards set forth in Article VIII Section 350-56 (Standards for Special Use Permits), provided compliance with the following stipulations:

- 1) An entrance permit shall be obtained from the Bloomington Township Road Commissioner before a construction permit is issued.
- 2) The applicant shall provide certified plans for storm water detention/retention before a construction permit is issued.
- 3) The applicant shall complete consultation with the Illinois Historic Preservation Agency before a construction permit is issued.

- 4) The applicant shall have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm.
- 5) The solar panels shall be installed with an anti-reflective coating.
- 6) Groundcover that encourages pollination that is recommended by the McLean County Soil and Water Conservation District needs to be installed.
- 7) Staggered coniferous and deciduous trees shall be planted no more than 25 feet apart, on center, along the north property line to provide a screen for nearby residences. The coniferous trees shall be a minimum of 8 feet in height and will include a mixture of 2-3 different species, such as Norway Spruce, Douglas Fir and Eastern White Pine. The deciduous trees will have a minimum height of 12 feet and will include a mixture of 2-3 different species, such as Common Hackberry, Quaking Aspen, and Linden. All tree species selected will be appropriate for USDA hardiness zone 5 and based on site specific criteria for soil characteristics, moisture, sunlight and exposure.
- 8) A contact person for the applicant will need to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.
- 9) As a condition of receiving a permit from the County, the company must pay the cost of hiring an Illinois registered professional engineer to provide a certified estimate of decommissioning costs. The company shall provide decommissioning security financing for the estimated cost of decommissioning in the amount determined by the engineer or \$50,000 (\$25,000 per megawatt), whichever is greater. Security financing must be in the form of an irrevocable letter of credit or a cash escrow, unless the County Board, in its sole discretion, agrees to accept a performance bond. The decommissioning cost estimate will be reviewed and revised when needed, but estimate review must occur at least every ten years.
- 10) The company must provide an Agricultural Impact Mitigation Agreement signed by the company and the Illinois Department of Agriculture prior to the issuance of a permit to construct from the County, and must certify that it will comply with all of the terms of the Agreement. Nothing in the Agricultural Impact Mitigation Agreement will preclude the County from establishing any standards that exceed those contained in the Agreement.
- 11) Development shall follow the plans and documents submitted with the application and with Zoning Regulations including Article VI Section 350-43.00 (3) (Use Standards for a solar power generating facility).

Respectfully submitted,



Philip Dick, AICP, Director

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-18-21

1. REFERENCE:

- a. Hearing date: September 4, 2018
- b. Applicant's name and address: ASD McLean IL Solar III, LLC by Amp Solar Development, Inc., 55a Port St E, Port Credit, ON, Canada
- c. Land owner's name and address: John Capodice, 10245 N 1530 East Rd., Bloomington, IL 61705

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: Immediately south of 925 North Rd. approximately .60 miles east of U.S. Highway 51
- b. Township: Bloomington Township
- c. Parcel Numbers: 21-27-351-002, 21-27-352-002, 21-34-100-002, 21-34-100-005 & 21-34-100-010
- d. Existing zoning: A-Agriculture District
- e. Applicant request: For a special use to allow a Solar Power Generating Facility in the Agriculture District
- f. Existing land use: Wooded and vacant

3. DIMENSIONS:

- a. Size of Parcel: 21 acres
- b. Road Frontage: Approximately 284 feet on the south side of 925 North Rd.

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To the southwest
- c. Vegetation: Wooded
- d. Public Road: Oil and chip 20 feet in width

5. SURROUNDING ZONING:

- a. North: Agriculture District
- b. South: Agriculture District
- c. East: R-1 Single Family Residence District
- d. West: Agriculture District

6. SURROUNDING LAND USE:

- a. North: Single-family residences
- b. South: Wooded and vacant
- c. East: Crop production
- d. West: Crop production

7. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **93.9** points out of a maximum possible evaluation score of **100** points.

McLean County Building and Zoning Department staff report on site assessment for the subject site:

- b. Site Assessment -- Score of **134** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **227.9 points** out of a maximum of **300** points.

EVALUATION RESULT:

The LESA Report indicates that a total score of between **220 thru 229 points** means that the property is of **moderate** value for agricultural land protection.

- 8. **STAFF ANALYSIS:** The analysis of the seven standards listed in Article VIII Section 350-56 of the McLean County Code (Standards for Special Use Permits) as they apply to this zoning request is as follows:

- a. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. The applicant proposes to establish a 2-megawatt solar power generating facility on this property in the Agriculture District. Since the Zoning Ordinance requires a solar farm to be 200 feet from the boundary of an R-1 Single Family Residence District and the adjacent property to the east is in the R-1 District, it was necessary to obtain a variance in order to apply for a special use to allow a solar farm on this property. The applicant obtained a variance to allow solar panels on a solar farm to be as close as 30 to the boundary of an R-1 District in Case ZV-18-05 on August 7, 2018.

The application indicates that this facility will contain rows of Photovoltaic (PV) cell panels mounted on posts set in the ground. These rows of panels are referred to as "solar arrays". Amp Solar Development will mount the solar arrays on a tracking system, which allows them to follow the sun throughout the day. The solar arrays will be designed with an anti-reflective coating. The applicant indicates the solar arrays will be a maximum 15 feet in height.

The applicant submitted an EcoCAT communication from the Illinois Department of Natural Resources (IDNR) which indicates that resources may be in the vicinity of the proposed action. IDNR has evaluated this information and concluded that adverse effects are unlikely and the consultation is terminated.

A decommissioning plan that includes an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture and financial assurance acceptable to the County need to be provided.

The application indicates that the parent company will provide a contact person to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.

The applicant has conducted a search of the Illinois Historical Preservation Agency's Architectural Resources Geographic information System.

- b. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The two single-family residences across the road to the north of the proposed

solar farm will not likely be negatively impacted. The electrical transformers for the facility, the part of the facility that creates a humming noise, will be located more than 1,500 feet from the nearest residence and would not likely be heard by nearby residents. Nearby property in residential use will continue to be desirable for such use, and nearby land in crop production will continue to be desirable for such use. Ground cover that includes native species, encourages pollination, recommended by the McLean County Soil and Water Conservation District, will need to be installed.

- c. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. Nearby property in residential use will continue to be desirable for such use, and nearby land in crop production will continue to be desirable for such use. The property is the former rail bed for the Illinois Central Gulf Railroad and is relatively narrow and very deep; it is only 100 to 200 feet in width and over one mile deep. The adjacent R-1 District property located immediately to the east is in crop production. The nearest residential lot in the R-1 District is over 800 feet to the east from the subject property.
- d. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The property has approximately 284 feet of frontage on the south side of 925 North Road. The Bloomington Township Fire District will provide fire protection for the subject property. Pre-development drainage patterns will be retained as much as possible. The applicant will provide certified plans for storm water detention/retention before a permit is issued for the proposed solar power generating facility. The applicant will need to have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm. The applicant has obtained a signoff from the County Health Department.
- e. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe site distance can be provided at the proposed entrance. The applicant has been in communication with the Bloomington Township Road Commissioner and will need to obtain an entrance permit from him before a construction permit will be issued for the proposed solar farm.
- f. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met. The preamble states "Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are such a nature that their location away from residential, commercial and industrial areas is most desirable".
- g. **The proposed special use, in all other respects, conforms to the applicable regulations of the Agriculture District.** This standard is met.

9. **CONCLUDING OPINION:** Staff recommends that this application meets all of the standards set forth in Article VIII Section 350-56 (Standards for Special Use Permits), provided compliance with the following stipulations:

- 1) An entrance permit shall be obtained from the Bloomington Township Road Commissioner before a construction permit is issued.
- 2) The applicant shall provide certified plans for storm water detention/retention before a construction permit is issued.
- 3) The applicant shall complete consultation with the Illinois Historic Preservation Agency before a construction permit is issued.
- 4) The applicant shall have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm.
- 5) The solar panels shall be installed with an anti-reflective coating.
- 6) Groundcover that encourages pollination that is recommended by the McLean County Soil and Water Conservation District needs to be installed.
- 7) A contact person for the applicant will need to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.
- 8) As a condition of receiving a permit from the County, the company must pay the cost of hiring an Illinois registered professional engineer to provide a certified estimate of decommissioning costs. The company shall provide decommissioning security financing for the estimated cost of decommissioning in the amount determined by the engineer or \$50,000 (\$25,000 per megawatt), whichever is greater. Security financing must be in the form of an irrevocable letter of credit or a cash escrow, unless the County Board, in its sole discretion, agrees to accept a performance bond. The decommissioning cost estimate will be reviewed and revised when needed, but estimate review must occur at least every ten years.
- 9) The company must provide an Agricultural Impact Mitigation Agreement signed by the company and the Illinois Department of Agriculture prior to the issuance of a permit to construct from the County, and must certify that it will comply with all of the terms of the Agreement. Nothing in the Agricultural Impact Mitigation Agreement will preclude the County from establishing any standards that exceed those contained in the Agreement.
- 10) Development shall follow the plans and documents submitted with the application and with Zoning Regulations including Article VI Section 350-43.00 (3) (Use Standards for a solar power generating facility).

Respectfully submitted,



Philip Dick, AICP, Director