

**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.OO (3) (Use Standards for a solar power generating facility).

Respectfully submitted,

Philip Dick, AICP, Director