

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-18-22

1. REFERENCE:

- a. Hearing date: October 2, 2018
- b. Applicant's name and address: TerraNavigator, LLC, 888 Prospect St., Ste. 200
La Jolla, CA 92037
- c. Land owner's name and address: Ronald and Paul Nord, 817 Nord Lane,
Bloomington, IL 61705

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

- a. Property location: 2105 W. Oakland Avenue, Bloomington, IL
- b. Township: Bloomington and Dale Townships
- c. Parcel Numbers: 21-07-100-017, 21-07-300-016, & 20-12-400-011
- d. Existing zoning: Agriculture District
- e. Applicant request: For a special use to allow a 10-Megawatt Solar Power
Generating Facility in the Agriculture District – ~~this project is being submitted
concurrently with a similar 10-Megawatt Solar Power Generating facility on the same
parcel that is located north of this request~~
- f. Existing land use: Closed landfill

3. DIMENSIONS:

- a. Size of Parcel: 100 acres
- b. Road Frontage: Approximately 1,700 feet on the west side of W. Oakland
Avenue

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To the south
- c. Vegetation: Grass on the top of the landfill cap
- d. Public Road: West Oakland Avenue is an asphalt road 19 feet in width

5. SURROUNDING ZONING: Agriculture District on all sides

6. SURROUNDING LAND USE:

- a. North: Landfill and wooded area
- b. South: Crop production and wooded area
- c. East: Crop production and sewage treatment plant
- d. West: Crop production

7. 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 applicant proposes to establish a 10-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 ballasted racking systems that contain rows of Photovoltaic (PV) modules mounted on ballast blocks in accordance with the load bearing capacity of the landfill cap. According to the application, the panels will be designed and located in accordance with the existing landfill gas collection and monitoring systems. The location of the racking systems will ensure access to the gas collection and monitoring systems and ensure no penetration or damage is done to the landfill cap. The modules will be fixed, tilted to the south, will be approximately 6.5 feet in height and will be designed with an anti-reflective coating.

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.

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. Nearby land used for crop production, a wastewater treatment plant and a landfill will continue to be desirable for such use. The panels will be designed and located in accordance with the existing landfill gas collection and monitoring systems. 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.
3. **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 land used for crop production, a wastewater treatment plant and a landfill will continue to be desirable 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 property has approximately 1,700 feet of frontage on the west side of West Oakland Avenue. 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 need to develop the solar farm compatible with any closure plans of the landfill approved by the Illinois Environmental Protection Agency. The applicant has obtained a signoff from the County Health Department.
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 site distance can be provided at the proposed entrance. The

applicant has been in communication with the City of Bloomington Engineer about obtaining an entrance permit.

6. 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”.

7. 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

8. 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 City of Bloomington before a construction permit is issued.
- 2) The applicant shall complete consultation with the Illinois Historic Preservation Agency before a construction permit is issued.
- 3) The solar panels shall be installed with an anti-reflective coating.
- 4) Groundcover that encourages pollination that is recommended by the McLean County Soil and Water Conservation District needs to be installed.
- 5) 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.
- 6) 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 \$250,000 (\$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 by the facility owner at least after the 10th year of operation and each five years thereafter.
- 7) 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.

- 8) 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

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